



# Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Forty-Third Day

Wednesday Morning

April 21, 2021

The invocation was offered by Chaplain Pam Russell of the Public Servant's Prayer.

The House convened at 9:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Pack.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed <input type="checkbox"/>
Cook	Morris
Davis <input type="checkbox"/>	Morrison <input type="checkbox"/>
Davisson <input type="checkbox"/>	Moseley
DeVon <input type="checkbox"/>	Negele
DeLaney	Nisly
Dvorak	O'Brien
Eberhart	Olthoff
Ellington	Pack
Engleman	Payne
Errington	Pfaff
Fleming	Pierce
Frye	Porter
GiaQuinta	Prescott
Goodrich	Pressel
Gore	Pryor
Gutwein	Rowray
Hamilton <input type="checkbox"/>	Saunders
Harris	Schaibley
Hatcher	Shackleford <input type="checkbox"/>
Hatfield <input type="checkbox"/>	Slager
Heaton	Smaltz
Heine	Smith, V. <input type="checkbox"/>
Hostettler	Snow
Jackson	Soliday
Jacob	Speedy
Jeter <input type="checkbox"/>	Steuerwald
Johnson	Summers <input type="checkbox"/>
Jordan	Teshka
Judy	Thompson

Torr  
VanNatter  
Vermilion  
Wesco

J. Young  
Zent  
Ziemke ☐  
Mr. Speaker

Roll Call 476: 88 present; 12 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Resolution 61

Representative V. Smith introduced House Resolution 61:

A HOUSE RESOLUTION honoring Michael E. Tolbert on his work with the Indiana State Bar Association.

*Whereas, The Indiana State Bar Association is the largest legal organization in Indiana with more than 12,000 members. It was founded in 1896 in the hall of the Indiana House of Representatives with more than 100 lawyers present;*

*Whereas, The Indiana State Bar Association's mission is to improve the administration of justice and promote public understanding of the legal system;*

*Whereas, The vision of the ISBA is to serve and advocate on behalf of its members, their clients, and the public interest, as the independent voice of the legal profession;*

*Whereas, On October 9, 2020, Michael E. Tolbert was inducted as President of the Indiana State Bar Association during the association's annual meeting;*

*Whereas, He was inducted with three other officers from Northwest Indiana, namely Shontrai D. Irving, Counsel to the President, Treasurer James B. Dillon Sr., and Secretary Renee M. Ortega;*

*Whereas, Michael Tolbert is the second African American to serve in this role;*

*Whereas, This is the first time that all four of these positions have been held by persons of color simultaneously; and*

*Whereas, This is a "Legal Dream Team" for the State of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Michael E. Tolbert for his work with the Indiana State Bar Association.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Vernon G. Smith for distribution.

The resolution was read a first time and adopted by voice vote.

**House Resolution 62**

Representative V. Smith introduced House Resolution 62:

A HOUSE RESOLUTION honoring Shontrai D. Irving for his work with the Indiana State Bar Association.

*Whereas, The Indiana State Bar Association is the largest legal organization in Indiana with more than 12,000 members. It was founded in 1896 in the hall of the Indiana House of Representatives with more than 100 lawyers present;*

*Whereas, The Indiana State Bar Association's mission is to improve the administration of justice and promote public understanding of the legal system;*

*Whereas, The vision of the ISBA is to serve and advocate on behalf of its members, their clients, and the public interest, as the independent voice of the legal profession;*

*Whereas, On October 9, 2020, Shontrai D. Irving was inducted as Counsel to the President of the Indiana State Bar Association during the association's annual meeting;*

*Whereas, Shontrai Irving is the first African American to serve in this role;*

*Whereas, He was inducted with three other officers from Northwest Indiana, namely President Michael E. Tolbert, Treasurer James B. Dillon Sr., and Secretary Renee M. Ortega;*

*Whereas, This is the first time that all four of these positions have been held by persons of color simultaneously; and*

*Whereas, This is a "Legal Dream Team" for the State of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Shontrai Irving for his work with the Indiana State Bar Association.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Vernon G. Smith for distribution.

The resolution was read a first time and adopted by voice vote.

**House Resolution 63**

Representative V. Smith introduced House Resolution 63:

A HOUSE RESOLUTION honoring Renee M. Ortega on her work with the Indiana State Bar Association.

*Whereas, The Indiana State Bar Association is the largest legal organization in Indiana with more than 12,000 members. It was founded in 1896 in the hall of the Indiana House of Representatives with more than 100 lawyers present;*

*Whereas, The Indiana State Bar Association's mission is to improve the administration of justice and promote public understanding of the legal system;*

*Whereas, The vision of the ISBA is to serve and advocate on behalf of its members, their clients, and the public interest, as the independent voice of the legal profession;*

*Whereas, On October 9, 2020, Renee M. Ortega was inducted as Secretary of the Indiana State Bar Association during the association's annual meeting;*

*Whereas, She was inducted with three other officers from Northwest Indiana, namely President Michael E. Tolbert, Shontrai D. Irving, Counsel to the President, and Treasurer James B. Dillon Sr.;*

*Whereas, This is the first time that all four of these positions have been held by persons of color simultaneously; and*

*Whereas, This is a "Legal Dream Team" for the State of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Renee Ortega for her work with the Indiana State Bar Association.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Vernon G. Smith for distribution.

The resolution was read a first time and adopted by voice vote.

**House Resolution 64**

Representative V. Smith introduced House Resolution 64:

A HOUSE RESOLUTION honoring James B. Dillon Sr. on his work with the Indiana State Bar Association.

*Whereas, The Indiana State Bar Association is the largest legal organization in Indiana with more than 12,000 members. It was founded in 1896 in the hall of the Indiana House of Representatives with more than 100 lawyers present;*

*Whereas, The Indiana State Bar Association's mission is to improve the administration of justice and promote public understanding of the legal system;*

*Whereas, The vision of the ISBA is to serve and advocate on behalf of its members, their clients, and the public interest, as the independent voice of the legal profession;*

*Whereas, On October 9, 2020, James B. Dillon Sr. was inducted as Treasurer of the Indiana State Bar Association during the association's annual meeting;*

*Whereas, He was inducted with three other officers from Northwest Indiana, namely President Michael E. Tolbert, Shontrai D. Irving, Counsel to the President, and Secretary Renee M. Ortega;*

*Whereas, This is the first time that all four of these positions have been held by persons of color simultaneously; and*

*Whereas, This is a "Legal Dream Team" for the State of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors James Dillon Sr. for his work with the Indiana State Bar Association.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Vernon G. Smith for distribution.

The resolution was read a first time and adopted by voice vote.

Representative Davis, who had been excused, is now present.

Representative Gore, who had been present, is now excused.

**CONFERENCE COMMITTEE REPORTS**

CONFERENCE COMMITTEE REPORT  
EHB 1190-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed

Senate Amendments to Engrossed House Bill 1190 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-120.7, AS AMENDED BY P.L.54-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 120.7. "Overweight divisible load" means a tractor-semitrailer and load that:

- (1) can be traditionally separated or reduced to meet the specified regulatory limits for weight;
- ~~(2) are involved in hauling, delivering, or otherwise carrying metal, bark, logs, sawdust, wood chips, or agricultural commodities, not including bulk milk;~~
- ~~(3) (2) meet other requirements for height, length, and width; and~~
- ~~(4) (3) have a gross vehicle weight of more than eighty thousand (80,000) pounds but a gross vehicle weight of not more than one hundred twenty thousand (120,000) pounds.~~

~~(A) one hundred twenty thousand (120,000) pounds if hauling metal commodities; and~~

~~(B) ninety-seven thousand (97,000) pounds if hauling from the point of harvest to the point of first destination bark, logs, sawdust, wood chips, or agricultural commodities, not including bulk milk.~~

SECTION 2. IC 9-20-6-1, AS AMENDED BY P.L.196-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter applies to the issuance of the following permits:

- (1) A permit for the transportation of oversized or overweight vehicles and loads under section 2 **or 2.2** of this chapter.
- (2) A toll road gate permit under section 3 of this chapter.
- (3) An emergency permit issued under section 4 of this chapter.
- (4) A permit for oversized semitrailers or trailers used with semitrailers under section 6 of this chapter.

(b) IC 9-20-2-1 applies to the issuance of a permit to operate machinery or equipment for the construction of highways.

(c) IC 9-20-9 applies to the issuance of a special towing permit for the operation of a combination of vehicles on a highway.

(d) IC 9-20-14 applies to the issuance of the following permits:

- (1) A general permit for the operation of a tractor-mobile home rig.
- (2) A special permit for the operation of a tractor-mobile home rig.

(e) IC 9-20-15 applies to the issuance of the following permits:

- (1) A general permit for the operation of a special tractor-mobile home rig.
- (2) A special permit for the operation of a special tractor-mobile home rig.

SECTION 3. IC 9-20-6-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.2. (a) This section applies to overweight divisible loads (as defined in IC 9-13-2-120.7).

(b) As used in this section, "equivalent single axle load" means the known quantifiable and standardized amount of damage to highway pavement structures equivalent to one (1) pass of a single eighteen thousand (18,000) pound dual tire axle, with all four (4) tires on the axle inflated to one hundred ten (110) pounds per square inch.

(c) A permit issued under this section does not apply to a highway under a local authority's jurisdiction.

(d) Subject to subsection (e), the Indiana department of transportation may, upon proper application in writing, grant a permit for transporting overweight vehicles and overweight divisible loads carrying resources on a highway in the state highway system, including state maintained routes through cities and towns.

(e) A permit granted under this section may be used only on designated highways within the state highway system, avoiding highways under a local authority's jurisdiction.

(f) A permit issued under this section may designate the route to be traversed and may contain any other restrictions or conditions required for the safe movement of the vehicle. If the department designates a route, a deviation from that route constitutes a violation subject to a civil penalty under IC 9-20-18-14.5.

(g) A permit issued under this section is limited to a gross vehicle weight of more than eighty thousand (80,000) pounds, but not more than one hundred twenty thousand (120,000) pounds.

(h) Not later than October 1, 2021, the Indiana department of transportation shall recalculate and apply permit fees for annual and trip permits granted under this section based on the Joint Transportation Research Program publication No. FHWA/IN/JTRP-2014/14. The Indiana department of transportation shall consider the impact of overweight divisible loads on roads and highways in recalculating permit fees under this subsection.

(i) Except as provided in subsection (k), the Indiana department of transportation may not issue more than eight thousand five hundred (8,500) single trip permits annually for applicants with a total equivalent single axle load calculation of more than 2.40 equivalent single axle load credit.

(j) A trip permit limit set under subsection (i) and a permit weight limit set under subsection (g) do not include overweight divisible load permits obtained by shippers and carriers that obtained permits before January 1, 2021.

(k) The Indiana department of transportation may temporarily increase the number of permits issued under subsection (i) by order of the commissioner in response to an emergency or changes in market conditions as defined by rules adopted under subsection (m).

(l) The Indiana department of transportation may limit the number of permits issued under subsection (i) to an individual applicant.

(m) The Indiana department of transportation shall adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, for the issuance, administration, fee structure, calculation of equivalent single axle load values, and enforcement of a permit under this section due to lack of transportation options for certain resources, supply chain interruptions, or supply dock backlogs.

(n) The Indiana department of transportation may suspend overweight divisible load permitting if the department observes an unusual increase in:

- (1) infrastructure damage on a permitted route; or
- (2) the number of accidents associated with overweight divisible loads.

(o) Not later than July 1, 2023, the Indiana department of transportation shall submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding:

- (1) the fee structure and recommended changes to the fee structure for permits issued under this section; and
- (2) the impact of overweight divisible loads on roads and highways.

(p) Beginning July 1, 2022, the Indiana department of

transportation shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the market fluctuation in the number of overweight divisible load permits issued during the previous year.

(q) Beginning July 1, 2022, the Indiana state police department shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the number of accidents involving applicants permitted for overweight divisible loads. The report must include at least the following:

(1) The number of accidents that resulted in property damage.

(2) The number of accidents that resulted in personal injury.

SECTION 4. IC 9-20-6-2.5, AS ADDED BY P.L.135-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. ~~The Indiana department of transportation or~~ (a) A local authority that:

(1) has jurisdiction over a state highway, an interstate highway, or a local street; and

(2) is responsible for the repair and maintenance of the state highway, interstate highway, or local street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting overweight divisible loads on or over roads or streets under the control of a local authority.

(b) If a local authority grants a permit under subsection (a), the local authority may designate a route for the permit. A deviation from that route constitutes a violation subject to a civil penalty under IC 9-20-18-14.5.

SECTION 5. IC 9-20-18-14.5, AS AMENDED BY HEA 1150-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14.5. (a) The civil penalties imposed under this section are in addition to the other civil penalties that may be imposed under IC 8 and IC 9. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section:

(1) is imposed on the carrier transporting the vehicle or load;

(2) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1;

(3) is in addition to any fees or fines imposed by a court; and

(4) is assessed and determined by the department of state revenue in accordance with the procedures in IC 6-8.1-5-1.

(b) A carrier transporting vehicles or loads under a permit issued under this article that is violated with respect to this article subjects the carrier to a civil penalty of not more than ~~five hundred one thousand~~ **one thousand** dollars (~~\$500~~) (**\$1,000**) for the first violation and not more than one thousand ~~five hundred~~ **one thousand** dollars (~~\$1,000~~) (**\$1,500**) for each subsequent violation.

(c) A carrier that transports vehicles or loads subject to this article and fails to obtain a permit required under this article is subject to a civil penalty of not more than five thousand dollars (\$5,000) for each violation described in an Indiana state police vehicle examination report.

(d) A carrier that transports vehicles or loads subject to this article in excess of the legal weight or dimensional limits and for which no permit is available to allow for such excess weight or dimension is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each issued Indiana state police vehicle examination report.

(e) The department of state revenue may not assess a penalty under this section after more than one (1) year has passed from the date the department is notified of a violation described under subsection (b), (c), or (d).

(f) A carrier against whom a civil penalty is imposed under this section may protest the civil penalty and request an administrative hearing. If a carrier protests a civil penalty, the department of state revenue shall allow the carrier an opportunity to present information as to why the civil penalty should not be assessed or reduced pursuant to a defense provided under section 7 of this chapter.

(g) The department of state revenue's notice of proposed assessment under IC 6-8.1-5-1 is presumptively valid.

(Reference is to EHB 1190 as printed April 7, 2021.)

PRESSEL

HEINE

House Conferees

JON FORD

GARTEN

Senate Conferees

Roll Call 477: yeas 56, nays 31. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 336-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 336 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 18, delete "sixty thousand dollars (\$60,000)" and insert "**eighty thousand dollars (\$80,000)**".

Page 3, line 34, reset in roman "IC 6-1.1-3-7.2(e)".

Page 3, line 34, delete "IC 6-1.1-3-7.2(f)".

(Reference is to ESB 336 as printed March 25, 2021.)

FREEMAN

BALDWIN

Senate Conferees

SPEEDY

CHERRY

House Conferees

Roll Call 478: yeas 68, nays 19. Report adopted.

#### ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

##### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills: 1365, 1090 and 1396

Engrossed Senate Bills: 348, 325 and 185

LEONARD, Chair

Report adopted.

##### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee

reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills: 1365, 1090 and 1396

Engrossed Senate Bills: 348, 325 and 185

LEONARD, Chair

Motion prevailed.

Representative Gore, who had been excused, is now present.

#### CONFERENCE COMMITTEE REPORT

##### EHB 1090-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1090 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.285-2019, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) Except as provided in section 16.3 of this chapter, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) Subject to section 16.1 of this chapter and except as provided in section 16.3 of this chapter, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment

required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(e) Except as provided in section 16.3 of this chapter, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of:

- (1) a building that:
  - (A) was formerly used as part of a passenger and freight railway station; and
  - (B) was built before 1900; or
- (2) a complex of buildings that:
  - (A) is part of an economic development area established under IC 36-7-14; and
  - (B) includes, as part of the renovation project, the use and repurposing of two (2) or more buildings and structures that are:
    - (i) at least seventy-five (75) years old; and
    - (ii) located at a site at which manufacturing previously occurred over a period of at least seventy-five (75) years.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) Except as provided in section 16.3 of this chapter, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

- (1) A town that:
  - (A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
  - (B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).
- (2) A city that has an indoor theater as described in section 26 of this chapter.

(g) Except as provided in section 16.3 of this chapter, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

- (1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.
- (2) A county courthouse is located within the district.
- (3) A historic opera house listed on the National Register of Historic Places is located within the district.
- (4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. A permit holder and any lessee or proprietor of the permit premises is subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6)

months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) Except as provided in section 16.3 of this chapter, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);

located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, and except as provided in section 16.3 of this chapter, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) Subject to section 16.2 of this chapter and except as provided in section 16.3 of this chapter, the commission may issue not more than six (6) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land within a municipal lakefront

development project. ~~funded in part with state, local, and federal money.~~ A permit issued under this subsection may not be transferred. If the commission issues six (6) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed six (6) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars (\$10,000).

(k) Except as provided in section 16.3 of this chapter, the commission may issue not more than nine (9) new three-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be a proprietor, as owner or lessee, or both, of a restaurant located:

(1) within a motorsports investment district (as defined in IC 5-1-17.5-11); or

(2) not more than one thousand five hundred (1,500) feet from a motorsports investment district.

The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues nine (9) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed nine (9) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(l) Except as provided in section 16.3 of this chapter, the commission may issue not more than two (2) new three-way permits to sell alcoholic beverages for on-premises consumption for premises located within a qualified motorsports facility (as defined in IC 5-1-17.5-14). The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues two (2) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed two (2) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

SECTION 2. IC 7.1-3-20-16.2, AS ADDED BY P.L.176-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.2. (a) This section applies to a municipal lakefront development project authorized under section 16(j) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal lakefront development project area where the permit is to be located meets the following criteria:

(1) The municipal lakefront development project area must be located in a city (as defined in IC 36-1-2-3).

(2) All of the following must be located within the corporate boundaries of the city described in subdivision (1):

- (A) A city park.
- (B) A baseball stadium.
- ~~(C) An oil refinery.~~

(3) The project boundaries must border on Lake Michigan.  
 (4) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from Lake Michigan, whichever is greater. However, if the area adjacent to Lake Michigan is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to Lake Michigan that are capable of being developed.

(5) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

~~(6) The project must be funded in part with state, local, and federal money.~~

~~(7) (6)~~ The boundaries of the municipal lakefront development project must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9) of the city in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal lakefront development project; and

(B) the location of the proposed permit within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the municipal lakefront development project.

~~(3) Detailed information concerning the expenditures of state, local, and federal funds on the municipal lakefront development project.~~

(d) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.

SECTION 3. IC 7.1-3-22-9, AS AMENDED BY P.L.285-2019, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) This section applies to any permit that is subject to the quota provisions of this chapter unless the permit is obtained by sale, assignment, or transfer under IC 7.1-3-24 **and a permit described in IC 7.1-3-20-16(j).**

(b) Whenever a permit to which this chapter applies becomes available, the commission shall offer an opportunity to bid for that permit to all persons who are qualified to receive that permit and who have indicated a desire to obtain that permit. The commission shall receive bids at an auction that it conducts. The highest bidder at the commission's auction who is qualified to receive the permit in all respects, including a determination by the local board that the person:

(1) does not have a conviction described in IC 7.1-3-4-2(a)(3) that has not been expunged under IC 35-38-9; and

(2) is of good repute in the community in which that person resides;

is entitled to receive the permit. This bidder shall pay the amount of the bid at the time the permit is issued as a special fee for initial issuance of the permit.

(c) The special fee for initial issuance of a permit that is prescribed by this section is in addition to any other fees imposed by this title.

(d) All fee revenues collected under this section are subject to IC 7.1-4-7-4.

**(e) Thirty (30) days before a local board holds a hearing concerning an applicant for a permit described in IC 7.1-3-20-16(j), the commission shall provide notice of the hearing to the:**

**(1) city or town council; and**

**(2) mayor's office;**

**of the city or town in which the municipal lakefront development project is located.**

**(f) The commission shall post signs indicating when and where a hearing described in subsection (e) will take place.**

~~(g)~~ **(g)** The commission shall adopt rules under IC 4-22-2 to implement this section.

(Reference is to EHB 1090 as reprinted April 13, 2021.)

SMALTZ

HARRIS

House Conferees

CHARBONNEAU

MELTON

Senate Conferees

Roll Call 479: yeas 83, nays 5. Report adopted.

Representative Pressel, who had been present, is now excused.

#### CONFERENCE COMMITTEE REPORT EHB 1365-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1365 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-5-2-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.8. "Anomaly" means an action or response by a voting system or electronic poll book that:**

**(1) does not conform with the specifications or perform as certified and is critical to the administration of elections;**

**(2) causes a delay or disruption to voting or vote tabulation; or**

**(3) occurs due to a root cause that is unable to be determined within forty-eight (48) hours after initial discovery by the vendor or county.**

SECTION 2. IC 3-5-2-16.3, AS ADDED BY P.L.76-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. ~~(a)~~ "De minimis change", with respect to a certified voting system's **or a certified electronic poll book's hardware, software, technical documentation, or data,** refers to a change to ~~the hardware,~~ **the nature of which** will not materially alter the system's reliability, functionality, capability, or operation. **A change is not a de minimis change if**

~~(b) For a hardware change to qualify as a de minimis change, the change must:~~

~~(1) maintain, unaltered, the reliability, functionality, capability, and operability of a system; and~~

~~(2) ensure that when hardware is replaced, the original hardware and the replacement hardware are electronically and mechanically interchangeable and have identical functionality and tolerances.~~

~~(c) The following are not de minimis changes:~~

~~(1) Software and firmware modifications;~~

~~(2) the change has reasonable and identifiable potential to~~

affect the **voting system's or electronic poll book's** operation and compliance with applicable **voting system standards. Indiana law.**

SECTION 3. IC 3-5-2-20.5, AS ADDED BY P.L.64-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. "Electronic poll book" means the combination of mechanical, electromechanical, and electronic equipment (including the software, firmware, and documentation, **and backend infrastructure and services, including cloud platform services,** required to program, control, and support the equipment) that is used to access and maintain the electronic poll list.

SECTION 4. IC 3-5-4-1.3, AS ADDED BY P.L.278-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.3. (a) Not later than the close of one (1) business day after a person files a declaration of candidacy, a request for placement on the presidential primary ballot, a certificate of nomination by a convention, a certificate of nomination by petition, a certification of candidate selection to fill a ballot vacancy, or a declaration of intent to be a write-in candidate in the office of the election division or circuit court clerk, the election division or circuit court clerk shall send a statement to the candidate by:

- (1) hand delivery;
- (2) first class United States mail; or
- (3) electronic mail, if an electronic mail address has been provided by the person;

to the mailing address or electronic mail address set forth in the document filed with the office.

(b) The statement must set forth the following:

- (1) That the candidate has filed the document described in subsection (a).
- (2) The name of the candidate.
- (3) The office for which the individual is a candidate.
- (4) The date on which the document was filed.
- (5) That acceptance of the document for filing does not prevent the filing from being challenged in the manner set forth in this title.

(c) **The circuit court clerk shall enter:**

- (1) **the name and other information provided by each candidate for an elected office or a political party office who files a document described in subsection (a) with the county election board; and**
- (2) **the text of a public question certified to the county election board under IC 3-10-9;**

**into the election management module of the statewide voter registration system not later than the deadline for estimating the number of ballots required to be printed under IC 3-11-4-10.**

SECTION 5. IC 3-5-4-12, AS ADDED BY P.L.135-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) ~~Not later than July 1, 2020;~~ Each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:

- (1) investigate cybersecurity attacks;
- (2) protect against malicious software; and
- (3) analyze information technology security risks.

(b) The agreement to provide services to a county under this section:

- (1) has no effect on any threat intelligence and enterprise security service provided to the county by any other agreement with a provider or by any county employee or contractor; and
- (2) must be designed to complement any existing service agreement or service used by the county;

when the county enters into the agreement. This section expires January 1, 2023.

SECTION 6. IC 3-5-7-5.5 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) This section does not apply to any of the following:

- (1) A voter verifiable paper audit trail.
- (2) The return printed by the automatic tabulating machine under IC 3-12-3-2.
- (3) The paper vote total printouts from the electronic voting system under IC 3-12-3.5-2.
- (4) The name of a candidate printed on a ballot card by a marking device.

(b) The requirements of this section apply only to a voting system initially certified for marketing and use in Indiana elections after January 1, 2022.

(c) If a candidate's legal name designated under this chapter includes a universally recognized pronunciation symbol, including an accent, hyphen, tilde, or umlaut, a:

- (1) ballot;
- (2) voting system screen;
- (3) voting system activation card;
- (4) voting system file; and
- (5) voting system results report;

**must display the symbol as part of the candidate's name.**

SECTION 7. IC 3-6-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

- (1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.
- (2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.
- (3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be ~~postmarked, hand delivered, or~~ transmitted to the election division using the computerized list under IC 3-7-26.3 not later than fourteen (14) days after each election.

(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.

SECTION 8. IC 3-6-5-17.5, AS AMENDED BY P.L.128-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) As required by 52 U.S.C. 20302(c), each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:

- (1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and
- (2) returned by absent uniformed services voters and overseas voters and cast in the election.

(b) The report must be:

- (1) ~~postmarked or hand delivered~~ **transmitted** to the election division **using the computerized list under IC 3-7-26.3** not later than fourteen (14) days after the election; and
- (2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (52 U.S.C. 20302 (note)).

SECTION 9. IC 3-6-6-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) As used in this section, "omitted precinct election officer" refers to a precinct election officer that a precinct is not required to have by a resolution adopted under this section.

(b) Notwithstanding other provisions of this title, a county election board may adopt a resolution to provide that specified



precincts or all precincts of the county are not required to have any or all of the following precinct election officers:

- (1) Sheriffs.
- (2) Poll clerks.

(c) A resolution adopted under this section must be adopted by unanimous vote of the entire membership of the board.

(d) A resolution adopted under this section must state the following:

- (1) The precincts to which the resolution applies.
- (2) For each precinct identified in the resolution, which precinct election officers are omitted precinct election officers.
- (3) For each precinct identified in the resolution, which precinct election officers will perform the duties required by this title of the omitted precinct election officers.

(e) Notwithstanding any other law, the precinct election officer specified in a resolution adopted under this section shall perform the duties of the omitted precinct election officers as stated in the resolution.

(f) A resolution adopted under this section expires December 31 after the resolution is adopted.

(g) **If a vacancy exists in the office of the sheriff in a precinct and:**

- (1) **no resolution designating the precinct election officer to perform the duties of the sheriff has been adopted under this section; or**
- (2) **the vote center plan adopted by the county does not specify which precinct election officer is to perform the duties of the sheriff;**

**then the judge of the precinct (or the precinct election officer designated to perform the duties of the election sheriff under a county vote center plan) serves as election sheriff until the vacancy is filled by the county election board.**

SECTION 10. IC 3-7-26.3-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 36. (a) This section applies when a voter transfers the voter's registration from one (1) Indiana county to another Indiana county after an election but before the county voter registration official adds to the voter's registration record the information that the voter voted in an election under IC 3-10-1-31.2.**

**(b) The computerized list must allow the county voter registration official of the county where the voter voted in the election immediately before the voter transferred the voter's registration to the other Indiana county to add to the voter's registration record that the voter voted in the election even if the voter's registration is canceled in the county.**

SECTION 11. IC 3-7-26.4-4, AS AMENDED BY P.L.141-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29.**

**(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.**

**(c) The parts and reports may contain the information described in section 8 of this chapter if:**

- (1) the part or report is to be provided to an entity that:
  - (A) is described in section 6 of this chapter; and
  - (B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or
- (2) the part or report is a purely statistical compilation that:
  - (A) includes the information described in section 8 of this chapter; and

**(B) does not include any information:**

- (i) concerning an individual voter; or
- (ii) that would permit the identification of an individual voter as a result of providing the compilation.

**(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.**

**(e) The election division may provide the registration information described in section 8 of this chapter, including an individual's voting history, as follows:**

**(1) To states and local governments in states that are implementing any voter list maintenance program described in IC 3-7-38.2-5, including a program implemented with information obtained from another state under IC 3-7-38.2-5.5.**

**(2) Upon written request, to law enforcement officials conducting an investigation. The election division shall determine the confidence factor score, according to IC 3-7-38.2-5.5(c)(2), of the voter registration information being provided to the law enforcement official and do the following:**

**(A) If the confidence score is seventy-five (75) points or more, provide the registration information and a statement regarding the score. The statement must state that the election division is not making a determination that the information is about the same individual the law enforcement official is inquiring about.**

**(B) If the confidence score is below seventy-five (75) points, provide the registration information and a statement regarding the low confidence score. The statement must state that the election division is not making a determination that the information is about the same individual the law enforcement official is inquiring about.**

SECTION 12. IC 3-7-34-3, AS AMENDED BY P.L.81-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3. (a) This subsection applies to a registration form that is incomplete as a result of the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains a written statement made under the penalties for perjury from the applicant:**

- (1) answering either or both of the questions that were not answered on the original form; and
- (2) not later than the twenty-ninth day before the date of the next election following the date the form was filed;

**the county voter registration office shall process the form under this article.**

**(b) This subsection applies to a registration application that is incomplete for a reason other than the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains information under section 2(b)(1) of this chapter that permits the county voter registration office to complete the registration form, the county voter registration office shall process the form under this article. If the county voter registration office obtains information under section 2(b)(2) of this chapter from the voter that permits the county voter registration office to complete the registration form, the county voter registration office shall document the information and process the form under this article.**

SECTION 13. IC 3-7-38.2-5.5, AS ADDED BY P.L.141-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) The Indiana data enhancement association (IDEA) is established. IDEA shall be administered by the NVRA official in accordance with IC 3-7-11-1.**

**(b) ~~Not later than July 1, 2020;~~ The NVRA official shall adopt an order for the administration of voter list maintenance**

programs to be performed by IDEA. The NVRA official may amend the order. If the NVRA official does not ~~adopt an order by July 1, 2020, or subsequently~~ amend the order when necessary to perform voter list maintenance duties under this chapter, the secretary of state shall adopt or amend the order under section 18 of this chapter. The order establishing IDEA, and any amendments to the order subsequently issued, shall provide the following:

- (1) The member states of IDEA are not required to pay to Indiana any fee for the processing of the data from the member state.
- (2) The member states of IDEA are not required to engage in any activity other than actions necessary to comply with standards for voter list maintenance set forth in the order as a condition for obtaining data from Indiana or other member states.
- (3) The method for a state to join or withdraw from IDEA.
- (4) The tenure of the membership of each state and duration of the order.
- (5) Indiana shall:
  - (A) use the confidence factors set forth in subsection (c) to determine whether the name of an individual registered in that member state appears to be the same as an individual registered to vote in Indiana or any other member state; and
  - (B) only forward potential matches of the names of individuals in a state who meet or exceed the confidence factor threshold under subsection (c).
- (6) Any registration data provided to Indiana by another state member:
  - (A) is confidential under Indiana law;
  - (B) must be safely secured by Indiana for the duration of a particular instance of a voter list maintenance activity; and
  - (C) shall be destroyed immediately following the provision of data concerning potential duplicate voter registrations to IDEA member states.
- (7) Any other provisions necessary for the proper and effective administration of IDEA.
- (c) Not later than thirty (30) days following the receipt of information under subsection (b) indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name of and any other information obtained under this subsection concerning that voter, if both of the following apply:
  - (1) The first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state.
  - (2) A comparison of the records indicates that there is a confidence factor that the records are for the same individual resulting from the accumulation of at least seventy-five (75) points based on the following criteria:
    - (A) Full Social Security number: 40 points.
    - (B) Last four (4) digits of Social Security number: 10 points.
    - (C) Indiana driver's license or identification card number: 50 points.
    - (D) Date of birth: 25 points.
    - (E) Last Name: 15 points.
    - (F) First Name: 15 points.
    - (G) Middle Name: 5 points.
    - (H) Suffix: 5 points.
    - (I) Street Address 1: 10 points.
    - (J) Zip Code (first five (5) digits): 5 points.
- (d) The county voter registration office shall determine whether the individual:
  - (1) identified in the report provided by the NVRA official under subsection (c) is the same individual who is a registered voter of the county;

(2) registered to vote in another state on a date following the date that voter registered in Indiana; and

(3) authorized the cancellation of any previous registration by the voter when the voter registered in another state.

(e) If the county voter registration office determines that the voter is described by subsection (d), the county voter registration office shall cancel the voter registration of that voter. If the county voter registration office determines that the voter is described by subsection (d)(1) and (d)(2), but has not authorized the cancellation of any previous registration, the county voter registration office shall send an address confirmation notice to the Indiana address of the voter.

(f) The county voter registration office may rely on written information provided either directly by a voter registration office in another state or forwarded from the election division from the office in the other state as follows:

(1) If this information is provided directly from the other state to the Indiana county voter registration official, the out-of-state voter registration official must provide a copy of the voter's signed voter registration application which indicates the individual authorizes cancellation of the individual's previous registration.

(2) If the election division forwards written notice from another state to an Indiana county voter registration official, the county should consider this notice as confirmation that the individual is registered in another jurisdiction and has requested cancellation of the Indiana registration. A copy of the actual voter signature is not required to be provided to the county for the voter's status to be canceled if the written notice is forwarded by the election division.

County voter registration officials shall review the date the individual registered out of state and the date the individual registered in Indiana to confirm which registration is more recent when performing the officials' analysis under this subsection.

SECTION 14. IC 3-7-45-4, AS AMENDED BY P.L.128-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 52 U.S.C. 21083. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of an obituary, notice of estate administration, or other notice of death of that person published:

(1) in a newspaper in which a legal notice may be published under IC 5-3-1; or

(2) on an Internet web site by a person licensed under IC 25-15.

(c) A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate or notice of death is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled; the county voter registration office is not required to cancel the person's registration.

SECTION 15. IC 3-7-46-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) As used in this section, "correctional department" refers to an agency of the government of a state other than Indiana that has**

responsibility for the imprisonment of individuals who have been convicted of a crime.

(b) If the NVRA official receives information from a correctional department that an Indiana resident is currently imprisoned by the correctional department for conviction of a crime, the NVRA official shall notify the county voter registration office of the Indiana county in which the imprisoned individual is a resident of the information.

(c) If the information provided under subsection (b) indicates that the imprisoned individual is disfranchised under section 2 of this chapter, the county voter registration officer shall:

- (1) remove the name of the individual from the voter registration records; and
- (2) enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3 on an expedited basis.

SECTION 16. IC 3-8-1-5, AS AMENDED BY P.L.142-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

- (1) a felony conviction for which the person has been pardoned;
- (2) a felony conviction that has been:
  - (A) reversed;
  - (B) vacated;
  - (C) set aside;
  - (D) not entered because the trial court did not accept the person's guilty plea; or
  - (E) expunged under IC 35-38-9; or
- (3) a person's plea of guilty or nolo contendere to a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political

party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

- (1) jury has announced its verdict against the person for a felony;
- (2) court has announced its verdict against the person for a felony; or
- (3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).

SECTION 17. IC 3-8-2-7, AS AMENDED BY SEA 398-2021, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

- (A) the candidate wants the candidate's name to appear on the ballot; and
- (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if applicable, and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

- (A) The ~~two~~ (2) most recent primary ~~election~~ elections in Indiana in which the candidate voted ~~was~~ were a primary ~~election~~ elections held by the party with which the candidate claims affiliation. If the candidate cast a nonpartisan ballot at an election held at the most recent primary election in which the candidate voted, a certification by the county chairman under clause (B) is required.
- (B) The county chairman of:
  - (i) the political party with which the candidate claims affiliation; and
  - (ii) the county in which the candidate resides;
 certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) The following statements:

- (A) A statement that the candidate has attached either of the following to the declaration:
  - (i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

- (ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(D) A statement that the candidate:

- (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

- (ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state, legislative, or local office in a previous primary, municipal, special, or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 4 of this chapter.

(10) The candidate's signature.

(b) The election division shall provide that the form of a declaration of candidacy includes the following information:

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 18. IC 3-8-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) The election division shall certify the following to each county election board not later than noon seventy-four (74) days before a general election:

(1) The name and place of residence of each person nominated for election to:

- (A) an office for which the electorate of the whole state may vote;
- (B) the United States House of Representatives;
- (C) a legislative office; or
- (D) a local office for which a declaration of candidacy

must be filed with the election division under IC 3-8-2.

(2) The name of each:

(A) justice of the supreme court;

(B) judge of the court of appeals; and

(C) judge of the tax court; and

**(D) judge of a circuit or superior court;**

who is subject to a retention vote by the electorate and who has filed a statement under IC 33-24-2, ~~or IC 33-25-2, IC 33-33-45, IC 33-33-49, or IC 33-33-71~~ indicating that the justice or judge wishes to have the question of the justice's or judge's retention placed on the ballot.

(c) Subject to compliance with section 11 of this chapter, the election division shall designate the device under which the list of candidates of each political party will be printed and the order in which the political party ticket will be arranged under IC 3-10-4-2 and IC 3-11-2-6.

SECTION 19. IC 3-8-7-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. The election division and each circuit court clerk shall preserve all certificates and petitions of nomination filed under this article for the period required under ~~IC 3-10-1-31 or IC 3-10-1-31.1~~.

SECTION 20. IC 3-10-1-4.6, AS AMENDED BY P.L.74-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May ~~2020~~ **2024** and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (b) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 21. IC 3-10-1-13, AS AMENDED BY P.L.58-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The primary election paper ballots, ballot cards, and ballot labels **on an electronic voting system** of each political party must be of uniform size and of the same quality paper as the paper ballots, ballot cards, and ballot labels used at the general election.

**(b) The primary election paper ballots and ballot cards of a political party used in a precinct must contain the precinct number or designation on the ballot.**

~~(b)~~ (c) The paper ballots and ballot cards must be distinctively marked or be of a different color so that the ballots of each party are easily distinguishable.

~~(c)~~ (d) This subsection applies to all voting systems. All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top or beginning of the ballot in the form prescribed by section 19 of this chapter.

SECTION 22. IC 3-10-1-31 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. ~~31~~: (a) This section applies to election materials for elections held before January 1, 2004:

~~(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition; together with poll lists; tally sheets; and other forms; to the circuit court clerk when making returns;~~

~~(c) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months; as required by 52 U.S.C. 20701; after which they may be destroyed unless:~~

~~(1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or~~

~~(2) 52 U.S.C. 10301;~~

~~requires the continued preservation of the ballots or other material:~~

~~(d) This subsection applies before January 1, 2006: Upon~~

delivery of the poll lists; the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39; IC 3-7-40; or IC 3-7-42;
- (3) adding the registration of a voter under IC 3-7-48-8; or
- (4) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 52 U.S.C. 21083 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c).

(e) This subsection applies after December 31, 2005. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; or
- (2) a transfer of registration conducted under IC 3-7-39; IC 3-7-40; or IC 3-7-42;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's current voter identification number if the voter's voter identification number is not included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c).

(f) After the expiration of the period described in subsection (c), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 23. IC 3-10-1-31.1, AS AMENDED BY P.L.157-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) (b) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) (c) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 52 U.S.C. 20701, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other

material.

(d) (c) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) (d) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists and information on affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list and affidavits shall be preserved with the ballots and other materials in the manner prescribed by subsection (e) (b) for the period prescribed by subsections (e) (b) and (d) (c).

(f) (e) In addition to the poll lists described in subsection (e) (d), the county voter registration office shall use the affidavits described by IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the registration records of the county as soon as the affidavits are delivered to the county voter registration office.

(g) (f) The county voter registration office shall retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied:

- (1) The voter's registration at the address stated in the voter's registration application has been canceled.
- (2) The general election immediately following the cancellation of the voter's registration under subdivision (1) has occurred.
- (3) Twenty-four (24) months have elapsed following the general election described in subdivision (2).

(h) (g) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (e) (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(i) (h) After the expiration of the period described in subsection (e) (b) or (d) (c), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(j) (i) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301.

(k) This subsection applies to a county using an electronic poll book. After each election, the county shall save all data recorded on the electronic poll book and any information stored on the dedicated, private server required under IC 3-11-8-10.3(b)(4). The circuit court clerk shall carefully preserve the disc or medium used to record the data for

twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the data may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the data is issued under the following:

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 52 U.S.C. 10301.

SECTION 24. IC 3-10-1-31.2, AS ADDED BY P.L.225-2011, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

(c) **This subsection applies to a voter who executes an affidavit under IC 3-10-11 and currently resides in an Indiana county different from the county where the voter is registered to vote. The county voter registration official in the county where the voter voted shall add to the voter's registration record in the computerized list established under IC 3-7-26.3 that the voter voted in the election before transferring the voter's registration to the county where the voter indicated the voter currently resides on the affidavit completed under IC 3-10-11.**

SECTION 25. IC 3-10-2-3, AS AMENDED BY P.L.201-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Presidential electors and alternate presidential electors shall be elected in ~~2020~~ **2024** and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

SECTION 26. IC 3-10-2-6, AS AMENDED BY P.L.8-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The following public officials shall be elected in ~~2020~~ **2024** and every four (4) years thereafter:

(1) Governor.

(2) Lieutenant governor.

(3) Attorney general.

SECTION 27. IC 3-10-6-2, AS AMENDED BY P.L.74-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this chapter, a municipal primary election shall be held on the first Tuesday after the first Monday in May ~~2019~~ **2023** and every four (4) years thereafter.

(b) Each political party whose nominee received at least ten percent (10%) of the votes cast in the state for secretary of state at the last election shall nominate all candidates to be voted for at the municipal election to be held in November.

SECTION 28. IC 3-10-6-3, AS AMENDED BY P.L.278-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter each political party shall, at the primary election in:

(1) May 2022 and every four (4) years thereafter; and

(2) May 2023 and every four (4) years thereafter;

nominate candidates for the election to be held under section 6(a) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(b) Notwithstanding section 2 of this chapter, in a town that

adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in:

(1) May ~~2020~~ **2024** and every four (4) years thereafter; and

(2) May 2022 and every four (4) years thereafter;

nominate candidates for the election to be held under section 6(b) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(c) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in May ~~2020~~ **2024** and every four (4) years thereafter, nominate candidates for the election to be held under section 6(c) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be held under this chapter.

SECTION 29. IC 3-10-6-5, AS AMENDED BY P.L.74-2017, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Except as otherwise provided in this chapter, a municipal election shall be held on the first Tuesday after the first Monday in November ~~2019~~ **2023** and every four (4) years thereafter. At the election, public officials shall be elected to each municipal office.

SECTION 30. IC 3-10-6-6, AS AMENDED BY P.L.278-2019, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter shall:

(1) at the general election in November 2022 and every four (4) years thereafter; and

(2) at the municipal election in November ~~2019~~ **2023** and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 following the election, as provided in IC 36-5-2-3. The election shall be conducted under this chapter.

(b) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall:

(1) at the general election in November ~~2020~~ **2024** and every four (4) years thereafter; and

(2) at the general election in November 2022 and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

(c) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall, at the general election in November ~~2020~~ **2024** and every four (4) years thereafter, elect a town clerk-treasurer and town court judge (if a town court has been established under IC 33-35-1-1) to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

SECTION 31. IC 3-10-7-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 33. (a) A town election board shall canvass the votes from a municipal election in the manner prescribed by IC 3-12-4.

(b) After completion of the canvass, the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1.

SECTION 32. IC 3-11-2-2.1, AS AMENDED BY P.L.164-2006, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.1. (a) Each county election board shall have the:

(1) names of all candidates for election to offices or retention in offices; and  
 (2) state and local public questions;  
 in election districts wholly or partially within the county printed on a ballot as provided in this chapter. The county may print all offices on a single ballot under this section.

**(b) Before a county election board orders the printing of a ballot, the board must provide written notice that proofs of the ballot are available for inspection not later than sixty-seven (67) days before the date of the election to each of the following:**

- (1) The county chairman of each major political party with a candidate's name appearing on the ballot.**
- (2) The county chairman, if any, of any other political party with a candidate's name appearing on the ballot.**
- (3) The superintendent of each school corporation with the name of a candidate for school board office or a local public question concerning the school corporation appearing on the ballot.**

**After sixty (60) days before the date of the election, the ballot is considered approved and eligible for printing.**

SECTION 33. IC 3-11-2-3, AS AMENDED BY P.L.194-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Each type of ballot must be:

- (1) of uniform size;
- (2) of the same quality and color of paper; ~~and~~
- (3) sufficiently thick that the printing cannot be distinguished from the back; ~~and~~
- (4) printed with the precinct number or designation of the precinct where the ballot is used.**

SECTION 34. IC 3-11-2-14, AS AMENDED BY P.L.190-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The following offices shall be placed on the general election ballot in the following order after the offices described in section 13 of this chapter:

- (1) Retention of a local judge.
- (2) Local nonpartisan judicial offices.

(b) These offices shall be placed in a separate column on the ballot.

(c) If the ballot contains a candidate for a local nonpartisan judicial office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

**(d) If more than one (1) local nonpartisan judicial office is to be placed on the ballot, the office shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the office. If there is more than one (1) candidate for a local nonpartisan judicial office, the candidates shall be listed in alphabetical order according to surname.**

~~(d)~~ **(e) If more than one (1) question concerning the retention of a local judge is to be placed on a ballot, the questions shall be placed on the ballot:**

- (1) in alphabetical order according to the surname of the local judge; and
- (2) identifying the court (including division or room) in which the judge serves.

SECTION 35. IC 3-11-3-11, AS AMENDED BY P.L.169-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered

necessary to conduct the election in the inspector's precinct.

(3) The ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 52 U.S.C. 21082.

(6) Copies of the instructions for a provisional voter required by 52 U.S.C. 21082 **and IC 3-11.7-2-2**. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

- (1) has adopted an order under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

SECTION 36. IC 3-11-4-1, AS AMENDED BY SEA 398-2021, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.6) or at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

~~(c) The commission,~~ **A county election board or board of elections and registration,** by unanimous vote of its entire membership, may authorize ~~a person~~ **an individual** who is otherwise qualified to vote in person **and wishes to vote by absentee ballot to file an application for an absentee ballot** if the ~~commission board~~ determines that: ~~an~~

**(1) during the last eleven (11) days before the election:**

**(A) the governor has declared a disaster emergency under IC 10-14-3-12; or**

**(B) the county has declared a local disaster emergency under IC 10-14-3-29;**

**(2) the disaster emergency prevents the person individual from voting in person at a polling place; and**

**(3) an absentee voter board can receive the voter's absentee ballot not later than 6 p.m. on election day.**

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section ~~42.5~~ **15** of this chapter. Taking into consideration the amount of time remaining before the election, the commission, ~~the county election board,~~ **the county election board, or the board of elections and registration** shall determine whether the absentee ballots are transmitted to



and from the voter by **any of the following:**

- (1) Mail. ~~or personally delivered.~~
- (2) **Personal delivery.**

An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 37. IC 3-11-4-5.1, AS AMENDED BY P.L.74-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.
- (3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.
- (4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a voter who:

- (1) requests an absentee ballot; and
- (2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section 2(g) of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the election division must request that a voter who requests an absentee ballot:

- (1) provide the last four (4) digits of the voter's Social Security number; or
- (2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter must comply with subsection (d).

(f) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:

- (1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and
- (2) the applicant's legal address is the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

**(g) This subsection applies to an application to receive an absentee ballot:**

- (1) **by mail under IC 3-11-10-24; or**
- (2) **in the form of an application to vote before an absentee voter board under IC 3-11-10-25 at the voter's place of confinement or the residence of the voter.**

**If the voter wishes to submit an application under this section in an electronic format using a module of the statewide voter registration system, the voter must include a telephone number at which the voter can be reached to submit the application.**

**(h) The application form for an absentee ballot must enable the applicant to provide the applicant's electronic mail address. However, an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application.**

SECTION 38. IC 3-11-4-17.5, AS AMENDED BY SEA 398-2021, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and
- (4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, IC 3-11-10-26.2, or IC 3-11-10-26.3, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain.

(b) If:

- (1) the applicant is not a voter of the precinct according to the registration record; or
- (2) the application as completed and filed:
  - (A) contains a false statement; or
  - (B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

~~(d) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 52 U.S.C. 20302(d),~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is denied; and
- (2) to the voter:
  - (A) at the address at which the voter requested that the absentee ballot be mailed;
  - (B) **to the voter's electronic mail address, if the voter has provided an electronic mail address on the voter's absentee ballot application; or**
  - (C) **by personal delivery of the notice.**

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

- (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and



(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

(1) is a voter of the precinct according to the registration record; and

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 39. IC 3-11-4-19, AS AMENDED BY P.L.157-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) Subject to IC 3-5-4-9, a ballot that is mailed must bear the circuit court clerk's official seal and signature or facsimile signature on the back of the ballot. Before the ballot is mailed:

(1) the two (2) members of the absentee voter board in the office of the circuit court clerk; or

(2) the two (2) appointed members of the county election board or their designated representatives;

shall place their initials in ink on the back of the ballot. The initials must be in the persons' ordinary handwriting or printing and without a distinguishing mark of any kind. No other initialing of the absentee ballot is necessary.

(b) An absentee ballot that is voted before an absentee voter board under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, must bear the seal, signature, and initials prescribed by IC 3-11-10-27.

**(c) An absentee voter board member or county election board member or the member's representative shall not place the individual's initials on the absentee ballot:**

**(1) until after the voter's application for that ballot has been approved; or**

**(2) more than twenty-four (24) hours before the absentee ballot is mailed to the voter.**

**A ballot initialed under this subsection must be under the control of two (2) individual members or representatives of opposite political parties until the ballot is mailed to the voter.**

SECTION 40. IC 3-11-8-10.3, AS AMENDED BY P.L.135-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

(1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll

book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

~~However, after December 31, 2020,~~ An electronic poll book may not display whether a voter's registration record is in active or inactive status.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) the current local version of the electronic poll list; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already received a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.

(7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:

(A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or

(B) the server makes the information immediately available to every other polling place or satellite office in the county.

(8) The electronic poll book must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:

(A) the voter's registration application; or

(B) a more recent signature of a voter from an absentee

- application, poll list, electronic poll book, or registration document.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll book must include a bar code capturing device that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
  - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.
- (14) The electronic poll book must be compatible with:
- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
  - (B) the statewide voter registration system; and
  - (C) any software system used to prepare voter information to be included on the electronic poll book.
- (15) The electronic poll book must have the ability to be used in conformity with this title for:
- (A) any type of election conducted in Indiana; or
  - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.
- (16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).
- (17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:
- (A) has been set up correctly;
  - (B) is working correctly so as to verify the eligibility of the voter;
  - (C) is correctly recording that a voter received a ballot; and
  - (D) has been shut down correctly.
- (18) The electronic poll book must include the following documentation:
- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.
  - (B) Training materials that:
    - (i) may be in written or video form; and
    - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
  - (C) Failsafe data recovery procedures for information included in the electronic poll book.
  - (D) Usability tests:

- (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
  - (ii) that include the setting up, using, and shutting down of the electronic poll book; and
  - (iii) that report their results using industry standard reporting formats.
- (E) A clear model of the electronic poll book system architecture and the following documentation:
- (i) End user documentation.
  - (ii) System-level and administrator level documentation.
  - (iii) Developer documentation.
- (F) Detailed information concerning:
- (i) electronic poll book consumables; and
  - (ii) the vendor's supply chain for those consumables.
- (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.
- (H) Repair and maintenance policies for the electronic poll book.
- (I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:
- (i) A list of customers who are using or have previously used the vendor's electronic poll book.
  - (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.
- (J) Information concerning batteries used in the electronic poll book, including the following:
- (i) A list of all batteries to be used in the electronic poll book and any peripherals.
  - (ii) The expected life span of each battery.
  - (iii) A log documenting when each battery was installed or subsequently replaced.
  - (iv) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.
  - (v) Plans to test batteries before each election.
  - (vi) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.
- (19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
- (20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.
- (21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.
- (22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server approved by the county election board for the period required by Indiana and federal law.
- (23) The electronic poll book must:

- (A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and
- (B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

(d) The county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.

SECTION 41. IC 3-11-8-15, AS AMENDED BY P.L.194-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:

- (A) The county chairman of a political party.
- (B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

**(b) Except for an individual described in subsection (a)(8) or (a)(10), an individual must be a citizen of the United States to be permitted in the polls during an election.**

**(c) The secretary of state may exempt an individual from the requirement to be a United States citizen.**

**(b) (d)** This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

**(e)** The inspector of a precinct has authority over all simulated election activities conducted under subsection **(b) (d)** and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 42. IC 3-11-8-25.2, AS AMENDED BY P.L.278-2019, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before

voting in person. If the list indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill.
- (3) A current bank statement.
- (4) A current government check.
- (5) A current paycheck.
- (6) A current government document.

The document presented by the voter must show the name and residence address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11-7-2.

(e) The precinct election board shall advise the voter, **both orally and in writing**, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11-7. **The election division shall prescribe the form of the explanation required by this subsection.**

**(f) The circuit court clerk shall provide the notice required by IC 3-11-7-6-4 to a voter who casts a provisional ballot under this section.**

SECTION 43. IC 3-11-8-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. Each inspector shall return the poll lists, together with the oaths of the precinct election board members, in a sealed envelope separate from all other precinct election returns to the circuit court clerk. The clerk shall preserve the poll lists for the period required by ~~IC 3-10-1-34 or~~ IC 3-10-1-31.1.

SECTION 44. IC 3-11-10-25, AS AMENDED BY SEA 398-2021, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence; and who is within the county may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement or the residence of the voter with disabilities:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the nineteen (19) days immediately before election day; and
- (4) only once before an election, unless:
  - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
  - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) The county election board, by unanimous vote of the board's entire membership, may:

- (1) authorize an absentee voter board to visit the voter after first confirming that the individual is a registered voter of the county; and
- (2) permit the voter to complete an absentee ballot application before the absentee voter board.

If both members of the absentee voter board approve the voter's application under this subsection, the board shall provide the voter with an absentee ballot.

(f) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(g) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(h) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

**(i) An absentee voter board visiting a voter under this section may use an electronic poll book.**

SECTION 45. IC 3-11-10-26, AS AMENDED BY SEA 398-2021, SECTION 32, AND BY HEA 1479-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.
- (2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) The office of the board of elections and registration.

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must do the following before being permitted to vote:

(1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

- (A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.
- (B) Sign the electronic poll book.
- (C) Provide proof of identification.

(3) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an optical scan voting system. The voter must do the following:

- (A) Sign the electronic poll book.
- (B) Provide proof of identification.
- (C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:

- (1) prescribe an affidavit that includes a unique identifier; or
- (2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;

to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this subsection and before the affidavit or procedure is used in an election, the county election board shall file a copy of the affidavit or a brief description of the procedure with the election division to assist the state recount commission in conducting proceedings under IC 3-12-11.

(f) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(g) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(h) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this

section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. However, the county election board may adopt a resolution authorizing the circuit court clerk to:

- (1) use the office of the circuit court clerk designated in subsection (a)(1); or
- (2) establish a satellite office under section 26.3 of this chapter;

to permit voters to cast absentee ballots under this section for at least four (4) hours on the third Saturday preceding election day.

(i) Notwithstanding subsection (h), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(j) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(k) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(l) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast a provisional ballot.

**(m) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (l). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the voter.**

~~(m)~~ **(n)** A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

~~(n)~~ **(o)** In a primary election, a voter casting an absentee ballot under this chapter may not change the voter's choice of the voter's political party after the voter has been mailed or otherwise provided with a primary ballot containing the candidates of that party.

SECTION 46. IC 3-11-10-26.4, AS ADDED BY SEA 260-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26.4. (a) This section applies to voting under section 26, **26.2**, or 26.3 of this chapter.

(b) After voting, a voter shall leave the office or satellite office.

(c) If a voter leaves the booth without casting a ballot, a

**member of the an absentee voter board member or the circuit court clerk's office** shall do both of the following:

- (1) Attempt to advise the voter not to leave the **clerk's office or satellite** office because the voter's ballot has not been cast.
- (2) Permit the voter to return to the booth to complete the process of casting the voter's ballot.

**(d) If the voter has left the office, or declines to return to the booth, both members of the absentee voter board shall do the following:**

- (1) If voting is by paper ballot, both members shall enter the booth, retrieve the ballot, and deposit the voter's ballot in the ballot box.**
- (2) If voting is by ballot card, both members shall enter the booth and place the voter's ballot inside the envelope provided or fold the ballot as described in IC 3-11-13-18(b)(1); and deposit the voter's ballot in the ballot box.**
- (3) If voting is by electronic voting system, both members shall enter the booth and complete the process of casting the ballot for the voter.**

**(e) After the voter's ballot has been deposited in the ballot box or has been cast, both members of the absentee voter board shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:**

- (1) The name of the voter who left the office without completing the process of casting a ballot if the voter's name is known;**
- (2) The approximate time that the voter left the office;**
- (3) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot;**
- (4) A statement made under the penalties for perjury indicating that:**

- (A) the members of the absentee voter board deposited the voter's ballot in the ballot box or completed the process of casting the ballot for the voter; and**
- (B) the members of the absentee voter board did not make any alteration to the choices made by the voter.**

The form must be signed by both members of the absentee voter board.

**(d) This subsection applies to a voter who has been provided a paper absentee ballot or optical scan ballot card absentee ballot. If the voter has left the clerk's office or satellite office, or declines to return to the booth, the absentee voter board members shall do the following:**

- (1) Enter into the booth and place the voter's ballot inside the envelope provided or fold the ballot as described in IC 3-11-13-18(b)(1).**
- (2) Transfer or deposit the envelope or folded ballot to the location where previously cast absentee ballots have been secured.**
- (3) Promptly complete a form prescribed under IC 3-5-4-8 containing the following information:**

- (A) The name of the voter who left the clerk's office or satellite office without completing the process of casting a ballot if the voter's name is known.**
- (B) The approximate time that the voter left the clerk's office or satellite office.**
- (C) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot.**
- (D) A statement made under the penalties for perjury indicating that:**

- (i) the absentee voter board members jointly transferred or deposited the envelope or folded ballot in the location where previously cast absentee ballots had been secured; and**
- (ii) the absentee voter board members (and any other person) did not make any alterations to the choices made by the voter.**

The form must be signed by both members of the absentee voter board.

(e) This subsection applies to a voter who has been provided an electronic voting system to cast an absentee ballot. If the voter has left the clerk's office or satellite office, or declines to return to the booth, the absentee voter board members shall:

- (1) enter into the booth;
- (2) complete the process of casting the ballot for the voter; and
- (3) complete the form described in subsection (d)(3).

(f) After the voter's ballot has been transferred or deposited under subsection (d) or cast under subsection (e), the absentee voter board shall indicate on the electronic poll book or in the statewide voter registration system that the voter has cast an absentee ballot.

SECTION 47. IC 3-11-10-27, AS AMENDED BY P.L.157-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection ~~(d)~~ (e)).

(c) Subject to IC 3-5-4-9, before a ballot is:

- (1) voted under section 26 or 26.3 of this chapter; or
- (2) placed in a secrecy envelope if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by **both absentee voter board members, or subject to subsection (e), the county election board or the board's designated representatives under IC 3-11-4-19.**

**(d) An absentee voter board member or county election board member or the member's representative shall not place the individual's initials on the absentee ballot:**

- (1) until after the voter's application for that ballot has been approved; or**
- (2) more than twenty-four (24) hours before the absentee ballot is provided to the voter.**

**A ballot initialed under this subsection must be under the control of two (2) individual members or representatives of opposite political parties until the ballot is provided to the voter.**

~~(d)~~ (e) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an election.

~~(e)~~ (f) The initials must be:

- (1) in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind; or
- (2) in a vote center county using an electronic poll list:
  - (A) printed on the back of the ballot by a printer separate from the electronic poll list, immediately before the ballot is delivered to the voter; and
  - (B) the initials of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the county election board or the board's representatives log into the electronic poll book system.

~~(f)~~ (g) A resolution adopted under subsection ~~(d)~~ (e) may also

provide that a precinct designation is not required to be preprinted on absentee ballots printed immediately before the ballot is delivered to a voter, but may be added in the same manner as the initials of the county election board or the board's representatives under IC 3-11-4-19 are added under subsection ~~(e)~~ (f).

~~(g)~~ (h) No other initialing of the absentee ballot is necessary.

SECTION 48. IC 3-11-11-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) At a primary election, a voter may not remain in the voting booth longer than ~~three (3)~~ **five (5)** minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth longer than ~~two (2)~~ **four (4)** minutes.

(c) If a voter refuses to leave the voting booth after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.

SECTION 49. IC 3-11-11-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. A voter who by accident or mistake spoils, defaces, or mutilates the voter's ballot may, by returning the ballot to the poll clerks or assistant poll clerks and satisfying them that the spoiling, defacing, or mutilation was not intentional, receive another ballot. The poll clerks or assistant poll clerks shall make a record of the fact on the poll list, and the ballot shall then be marked "VOID" by the precinct election board in the presence of the voter and returned with the other election materials as required by ~~IC 3-10-1-31 or IC 3-10-1-31.1.~~

SECTION 50. IC 3-11-13-11, AS AMENDED BY SEA 398-2021, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-12.9(c), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), ~~and IC 3-11-2-14(d), and IC 3-11-2-14(e).~~ The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the

ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

(1) the name of the political party or independent ticket (described in IC 3-11-2-6); and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office."

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

(1) the names of political parties or candidates; or

(2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 51. IC 3-11-13-19, AS AMENDED BY P.L.169-2015, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a) Each circuit court clerk shall have printed on each ballot used in a precinct the precinct number or designation.**

~~(a)~~ **(b)** Except as provided in subsections ~~(b)~~ and (c) and (d), each circuit court clerk shall print or stamp the precinct number or designation and a line for each poll clerk's initials on both a ballot card and the ballot card's secrecy envelope before the election.

~~(b)~~ **(c)** In a vote center county using an electronic poll list, the circuit court clerk shall not print or stamp the poll clerk's initials required by subsection ~~(a)~~ **(b)** if the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system are printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

~~(c)~~ **(d)** In a vote center county using an electronic poll book, the circuit court clerk may print or stamp the precinct number or



designation:

- (1) before the election as provided by subsection ~~(a)~~; **(b)**; or
- (2) at the time the ballot card is printed immediately before the ballot card is delivered to a voter as provided by subsection ~~(b)~~; **(c)**.

SECTION 52. IC 3-11-13-24, AS AMENDED BY P.L.169-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) This subsection applies to a ballot card voting system. The test required by section 22 of this chapter must:

- (1) be conducted by processing a preaudited group of ballot cards marked so as to record a predetermined number of valid votes for each candidate and on each public question; ~~and~~
- (2) include for each office one (1) or more ballot cards that have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating machines to reject the votes; ~~and~~
- (3) include at least one (1) ballot from three (3) different precincts where an election will be conducted.**

(b) This subsection applies to a voting system that includes features of a ballot card voting system and a direct record electronic voting system. The test required by section 22 of this chapter must:

- (1) be conducted by the entry of:
  - (A) a preaudited group of ballots; and
  - (B) at least ten (10) ballots cast by using the headphone or a sip/puff device;
 so as to record a predetermined number of valid votes for each candidate and on each public question; and
- (2) include at least one (1) ballot for each office and public question that has votes in excess of the number allowed by law in order to test the ability of the voting system to reject the overvotes.

SECTION 53. IC 3-11-13-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 24.5. Immediately following the completion of the test required by section 22 of this chapter, the county election board shall enter the vote totals from the voting system tabulator tested under this chapter into the component of the voting system used by the county election board to tabulate and canvass the election results under IC 3-12-4. The board shall determine whether the component of the voting system properly tabulates and determines:**

- (1) the votes cast in each of the precincts; and**
- (2) the total for each candidate and public question on the ballots tested under this chapter.**

SECTION 54. IC 3-11-13-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32.5. (a) At a primary election, a voter may not remain in the voting booth or compartment longer than ~~three (3)~~ **five (5)** minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth or compartment longer than ~~two (2)~~ **four (4)** minutes.

(c) If a voter refuses to leave a voting booth or compartment after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth or compartment.

SECTION 55. IC 3-11-14-3.5, AS AMENDED BY SEA 398-2021, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot

label; and

- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-12.9(c), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), ~~and~~ IC 3-11-2-14(d), ~~and~~ **IC 3-11-2-14(e)**. Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.
- (7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word



"Independent", if the:

- (1) candidate; or
- (2) ticket of candidates for:
  - (A) President and Vice President of the United States; or
  - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) Except as provided in section 14.5 of this chapter, the ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press 'NEXT' (or replace 'NEXT' with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 56. IC 3-11-14-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. At a primary election, a voter may not remain in the voting booth longer than ~~three (3)~~ **five (5)** minutes.

SECTION 57. IC 3-11-14-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. At a general, municipal, or special election, a voter may not remain in the voting booth longer than ~~two (2)~~ **four (4)** minutes.

SECTION 58. IC 3-11-14-5-5, AS ADDED BY P.L.221-2005, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The test required by this chapter must include the following:

- (1) The visual inspection of the voting system and ballot labels.
- (2) The manual entry of a preaudited group of ballots marked so as to record a predetermined number of valid votes for each candidate and on each public question.
- (3) At least one (1) ballot for each office that has votes in excess of the number allowed by law in order to test the ability of the electronic voting system to reject the overvotes.

**(b) The test required by this chapter must include the entry of a preaudited group of at least one (1) ballot from three (3) different precincts where an election will be conducted to:**

- (1) test the functionality of the system components used by a voter with disabilities to independently and privately cast a ballot; and**
- (2) record a predetermined number of valid votes for each candidate and on each public question.**

SECTION 59. IC 3-11-15-13.3, AS AMENDED BY P.L.71-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2021]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet one (1) of the following:

- (1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002.
- (2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.
- (3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.

(b) Except as provided in subsection (c), a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2017~~, **2021**, if the voting system:

- (1) was:
  - (A) approved by the commission for use in elections in Indiana before October 1, ~~2017~~, **2021**; and
  - (B) purchased or leased by the county before October 1, ~~2017~~, **2021**; and
- (2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) A county may not continue to use an electronic voting system after December 31, 2029, unless the:

- (1) system includes a voter verifiable paper audit trail; and
- (2) certification of that system by the commission has not expired.

(d) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility

for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(e) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (d) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(f) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (e), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

**SECTION 60. IC 3-11-15-13.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13.8. A voting system certified for use under this chapter may include features to permit the use of electronic adjudication of ballots to review voter intent so long as:**

- (1) the adjudication is conducted in compliance with Indiana law; and**
- (2) the software is a part of the electronic management system (EMS) certified by the commission as part of the voting system.**

**SECTION 61. IC 3-11-15-13.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13.9. A voting system must have a validation method approved by the commission as part of the certification of the voting system to ensure that the software is tested and that no uncertified software is present on the voting system. A vendor shall provide the instructions for use of the validation method to the entity designated under IC 3-11-16 to permit the entity to perform this validation before the voting system is certified under this chapter and at any time during the term of the certification of the voting system.**

**SECTION 62. IC 3-11-15-59, AS ADDED BY P.L.100-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 59. (a) Whenever a county wishes to dispose of a voting system unit or an electronic poll book unit, the county election board must first file a plan with the election division. The plan must state all of the following:**

- (1) The serial number of each unit to be disposed of by the county.**
- (2) The method to be used for disposal of the equipment, including sale, transfer, or destruction of the equipment and the details about how the equipment will be disposed of.**
- (3) That the disposal will occur in compliance with federal and state laws requiring the retention of election materials until the expiration of the period specified by those laws.**
- (4) The details regarding the person that will dispose of the equipment.**

**(b) If the election division approves the proposed plan, the election division shall notify:**

- (1) the county election board, which may then dispose of the equipment; and**
- (2) the voting system technical oversight program (VSTOP) (established by IC 3-11-16-2).**

**(c) A county may not dispose of a voting system unit or an electronic poll book unit by selling, transferring, or otherwise surrendering ownership to a person to which a voting system vendor is prohibited to sell, lease, or transfer possession of a voting system under section 60 of this chapter, except to the vendor from whom the county acquired the voting system unit or electronic poll book.**

**(d) A plan filed with the election division under this section is confidential.**

**SECTION 63. IC 3-11-15-61 IS ADDED TO THE**

**INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 61. (a) This section does not apply to an electronic poll book.**

**(b) A computer or electronic device used:**

- (1) to create the layout of a ballot for an election;**
- (2) to program a voting system, electronic voting system, or ballot card voting system; or**
- (3) with election management software certified for use as part of a voting system;**

**may not be connected to the Internet or any network that connects to another computer or electronic device.**

**SECTION 64. IC 3-11-16-4, AS AMENDED BY P.L.71-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. The person or entity designated under this chapter to conduct the program shall do the following:**

- (1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems and electronic poll books used to conduct elections in Indiana.**
- (2) Compile and maintain an inventory of all voting systems and electronic poll books used to conduct elections in Indiana. The inventory must:**
  - (A) include unique serial numbers to identify each voting system unit and electronic poll book; and**
  - (B) indicate the location where each voting system unit or electronic poll book is ordinarily stored.**
- (3) Review reports concerning voting systems and electronic poll books prepared by independent laboratories and submitted by applicants for voting system and electronic poll book certification.**
- (4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.**
- (5) Perform any additional testing of a voting system or electronic poll book necessary to determine whether the voting system or electronic poll book complies with state law.**
- (6) In each odd-numbered year perform random audits of voting systems and electronic poll books used to conduct Indiana elections and prepare reports indicating whether the voting systems and electronic poll books have been certified, programmed, and used in compliance with Indiana law.**
- (7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems and electronic poll books.**
- (8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems, electronic poll books, or devices to secure and monitor facilities where voting systems and electronic poll books are stored.**
- (9) Determine when a voting system or electronic poll book used by a county has reached the end of the voting system's or electronic poll book's expected period of satisfactory performance, and notify each county using the voting system or the electronic poll book of this determination.**
- (10) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for electronic poll books used to conduct elections in Indiana.**
- (11) Perform any other duties related to the approval or use of voting systems or electronic poll books as provided in:**
  - (A) state law; or**
  - (B) the contract described in section 3 of this chapter.**

SECTION 65. IC 3-11-17-2, AS AMENDED BY P.L.157-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently:

- (1) markets, sells, leases, installs, implements, or permits the use of a voting system or an electronic poll book in an election conducted in Indiana in violation of this title; or
- (2) violates section 7(b) or 8 of this chapter;

is subject to a civil penalty under this chapter.

SECTION 66. IC 3-11-17-7, AS AMENDED BY P.L.71-2019, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A county election board shall file a report with the secretary of state **and the election division** not later than forty-eight (48) hours after receiving notice from a federal, state, or local government agency that:

- (1) a voting system or electronic poll book has been improperly obtained or altered in a manner that violates Indiana law; or
- (2) the data concerning the county maintained in the statewide voter registration system has been accessed or altered by a person in violation of Indiana law.

(b) A vendor of a voting system or electronic poll book shall file a report with the secretary of state **and VSTOP and the election division** not later than forty-eight (48) hours after discovering that an anomaly or problem has occurred in a voting system or electronic poll book due to technical or human error. However, if the anomaly or problem is discovered **not later than twenty-eight (28) days before an election day**, the vendor must file a report not later than ~~three (3)~~ **two (2)** hours after discovering the anomaly or problem.

(c) **The secretary of state and the co-directors of the election division may designate a person to aggregate, analyze, make recommendations, and subsequently report anomalies as requested by the secretary and the co-directors of the election division.**

(d) The report described in subsection (b) must state all of the following:

- (1) The nature of the anomaly or problem.
- (2) ~~The number of counties, precincts, or vote centers~~ **county, precinct, vote center, satellite office, or in-person absentee voting location affected.**
- (3) The vendor's preliminary plan to resolve the anomaly or problem by preventing any impediment to voters casting ballots, or to the accuracy and integrity of the election process.
- (4) **The date and time an anomaly was first experienced or discovered.**
- (5) **The name and contact information for the individual discovering or experiencing the anomaly.**
- (6) **The date and time the vendor first became aware of the anomaly.**
- (7) **The name and contact information of the vendor representative submitting the report.**
- (8) **Whether the anomaly involved a voting system, an electronic poll book, or a peripheral component of either a voting system or electronic poll book.**
- (9) **The system type, make, model, hardware, firmware, and software version involved, as applicable.**
- (10) **A detailed description of the anomaly and its effect on election administration.**
- (11) **Any findings related to how and where the current or previously reported anomaly originated.**
- (12) **Details of any responsive actions, such as investigation, analysis, determinations, and corrective action implemented or recommended, taken to address the anomaly and its effects.**

(e) **After initially reported or otherwise known to a vendor, the vendor shall report the anomaly using the**

**secretary of state anomaly reporting platform in the form and manner directed by the secretary of state and the election division not later than the deadline specified in subsection (b).**

(f) **An anomaly caused solely by operator error is not required to be reported unless a deficiency in user instructions or training is a contributing factor. The burden of showing an anomaly was the result of operator error and not a deficiency of user instructions or training rests with the system vendor.**

(g) **A vendor must report, not later than fourteen (14) days after discovery, an anomaly occurring outside Indiana involving the same election system type, make, model, or component certified for use in Indiana.**

(h) **A voting system vendor shall report an anomaly involving a voting system to the commission and the United States Election Assistance Commission and file a copy with the secretary of state and the election division documenting receipt of the report.**

(i) **Each voting system and electronic poll book vendor shall:**

- (1) **file with the secretary of state and the election division a statement setting forth the name and contact information for the vendor that will be reporting anomalies; and**
- (2) **amend this filing not later than seven (7) days after the change occurs.**

(j) **The reporting process shall be completed using the secretary of state anomaly reporting platform as follows:**

- (1) **The secretary of state and the election division will request of each voting system and electronic poll book vendor the name and contact information for the vendor representative who will be reporting anomalies.**
- (2) **The secretary of state anomaly reporting platform will be made available to each vendor in an online format. Separate reporting locations in the secretary of state anomaly reporting platform will be provided to each vendor.**
- (3) **Each vendor will report each anomaly in the online location provided.**
- (4) **The person designated under IC 3-11-16 by the state to administer the program will have complete access to the information submitted through the secretary of state anomaly reporting platform.**
- (5) **The secretary of state and the election division shall send an acknowledgment by electronic mail to the vendor upon receiving the anomaly notification.**

(k) **A vendor must take reasonable measures to ensure a reported anomaly does not reoccur and retain documentation of any investigation, analysis, determinations, and corrective actions implemented or recommended for at least two (2) years after the anomaly is reported. Not later than noon fourteen (14) days after reporting the anomaly, a vendor shall file a corrective plan with the secretary of state and the election division.**

SECTION 67. IC 3-11-17-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. **An anomaly report is confidential except at the discretion of the secretary of state and the election division under IC 5-14-3-4(b)(10).**

SECTION 68. IC 3-11-18.1-5, AS AMENDED BY P.L.278-2019, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsections (b) and (c), a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) **A plan may provide that a vote center will not be used in a municipal election conducted in 2019 2023 and every four (4)**

years thereafter for some or all of the towns:

- (1) located within the county; and
- (2) having a population of less than three thousand five hundred (3,500).

(c) This section does not apply in a town that has established a town election board under IC 3-10-7-5.7 while the resolution established under IC 3-10-7-5.7 is in effect.

SECTION 69. IC 3-11-18.1-12, AS AMENDED BY P.L.135-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

- (1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or
- (2) a vote center under this chapter.

(b) Notwithstanding any other law, the electronic poll book used must satisfy all of the following:

- (1) The electronic poll book must comply with IC 3-11-8-10.3.
- (2) The electronic poll book must be approved by the secretary of state in accordance with this section.
- (3) Except with prior written authorization by the VSTOP, the electronic poll book must have been delivered to the county election board not less than sixty (60) days before an election at which the electronic poll book is used.

(c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state. Except as provided in subsection (i), a person may not market, sell, lease, or provide an electronic poll book for use in an election in Indiana until the secretary of state has approved the application for certification under this section. The application must state that the vendor has complied, and will continue to comply, with subsection (d) following certification of the electronic poll book. Each application for certification of an electronic poll book must be accompanied by a fee of one thousand five hundred dollars (\$1,500). All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.

(d) The person seeking certification of an electronic poll book shall conduct a background check at least once each year on each individual employed or contracted by the vendor who has access to the electronic poll book to determine if the individual has been convicted of a felony. An individual described by this subsection who has been convicted of a felony may not have access to an electronic poll book in the individual's capacity as an employee or contractor of the vendor.

(e) The secretary of state shall refer the application to the person or entity conducting the VSTOP.

(f) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating all of the following:

- (1) Whether the electronic poll book would operate in compliance with this title.
- (2) Whether VSTOP has reviewed tests conducted by an approved voting system testing laboratory.
- (3) Whether VSTOP has conducted a field test.
- (4) Whether the electronic poll book complies with additional requirements for the electronic poll book application for certification and acceptance testing, as described in the Indiana Electronic Poll Book Certification Test Protocol approved by the secretary of state (as in effect January 1, 2020- 2021).
- (5) Any recommendations regarding the acquisition or use of the electronic poll book.
- (6) Whether documentation of the escrow of the electronic poll book's software, firmware, source codes, and executable images with an escrow agent approved by the

election division has been received by VSTOP.

(7) Whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

(g) After the report required by subsection (f) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(h) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation, **including a violation of IC 3-11-17-7(b).**

(i) A person may display or demonstrate an electronic poll book that has not been certified under this section if the person complies with all the following requirements:

(1) The display or demonstration occurs at a conference of election officials sponsored by:

- (A) a state agency; or
- (B) an association of circuit court clerks or voter registration officers.

(2) The person files a notice with the election division at least seven (7) days before the scheduled starting date of a conference referred to in subdivision (1) setting forth the following:

- (A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.
- (B) The address and telephone number of the person.
- (C) The model name of the electronic poll book.
- (D) The name and manufacturer of the electronic poll book.
- (E) The date and location of the display or demonstration of the electronic poll book.

(3) The person displays the electronic poll book with a notice that:

- (A) is at least 16 point type size;
- (B) is posted on the surface of the electronic poll book; and
- (C) states that the electronic poll book is "Not Approved for Use in Indiana".

(4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

SECTION 70. IC 3-11.5-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1.

SECTION 71. IC 3-11.5-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. When permitted under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

SECTION 72. IC 3-11.5-5-26, AS AMENDED BY P.L.2-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this subsection until the period for retention under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1 has expired.

SECTION 73. IC 3-11.5-6-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1.

SECTION 74. IC 3-11.5-6-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. When permitted under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

SECTION 75. IC 3-11.5-6-29, AS AMENDED BY P.L.2-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this subsection until the period for retention under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1 has expired.

SECTION 76. IC 3-11.7-2-2, AS AMENDED BY P.L.157-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Execute the affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- (2) Sign the poll list.
- (3) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (4) Fold each ballot separately.
- (5) Fold each ballot so as to conceal the marking.
- (6) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (7) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) **This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter.**

SECTION 77. IC 3-11.7-5-1.7, AS AMENDED BY P.L.141-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) This section does not apply to a provisional ballot cast by a voter for any of the following reasons:

- (1) The provisional ballot was cast by the voter under a court order extending the hours that the polls were open.
- (2) The provisional ballot was cast by a voter who is not on the poll list who indicates that the voter applied to register at a voter registration agency.
- (3) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter being unable or declining to provide proof of identification.
- (4) The provisional ballot was cast by the voter after the

voter was challenged solely due to the voter's failure to provide additional documentation.

(b) If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted **if the individual is a registered voter of that precinct.**

SECTION 78. IC 3-11.7-5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1.

SECTION 79. IC 3-11.7-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. When permitted under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

SECTION 80. IC 3-11.7-5-27, AS AMENDED BY P.L.2-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this section until the period for retention under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1 has expired.

SECTION 81. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter who casts a provisional ballot:**

- (1) **The reason or reasons that the voter's ballot is being treated as a provisional ballot.**
- (2) **A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.**
- (3) **The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.**
- (4) **The following information that will enable the provisional voter to inquire about the provisional voter's ballot:**

- (A) **The name of the office that the provisional voter may contact.**
- (B) **The address of the office described in clause (A).**
- (C) **The telephone number at the office described in clause (A) that the voter may use to contact the office about the voter's provisional ballot.**
- (D) **Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.**

(b) **The notice required by subsection (a) must be:**

- (1) **sent by first class United States mail; or**
- (2) **given by another method the circuit court clerk determines will provide actual notice to the voter.**

(c) **The notice required by subsection (a) must be in a form prescribed by the election division.**

SECTION 82. IC 3-12-1-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) The following provisions govern the counting of write-in votes:

- (1) Except as provided in subsection (b), only votes cast

for declared write-in candidates shall be counted and certified.

(2) The name of a candidate, written on the space reserved for write-in voting, is not considered a distinguishing mark that would invalidate a ballot under section 3 of this chapter. However, the name or office of a candidate written in a place on the ballot other than the place reserved for write-in voting may not be counted for that office.

(3) A write-in vote for an office is void if the voter attempts to cast the vote by a means other than printing the name of the candidate in ink or lead pencil. The use of stickers, labels, rubber stamps, or other similar device is not permitted.

(4) An abbreviation, a misspelling, or other minor variation in the form of the name of a candidate or an office shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained.

(5) Write-in votes for each write-in candidate shall be counted separately using the tally sheets provided by the county election board.

**(6) This subdivision applies to a voter who casts a ballot for:**

**(A) an individual who is a candidate for President of the United States;**

**(B) an individual who is a candidate for Vice President of the United States; or**

**(C) both individuals who are candidates for President of the United States and Vice President of the United States.**

**A ballot cast as described in this subdivision is considered to be cast for the presidential electors and alternate presidential electors pledged to support the ticket of candidates for President and Vice President printed on the regular official ballot.**

**(7) This subdivision applies to a voter who casts a ballot for:**

**(A) an individual who is a candidate for governor;**

**(B) an individual who is a candidate for lieutenant governor; or**

**(C) both individuals who are candidates for governor and lieutenant governor.**

**A ballot cast as described in this subdivision is considered to be cast for both individuals who are candidates for governor and lieutenant governor of Indiana who are printed on the regular official ballot.**

(b) This subsection does not apply to an office for which more than one (1) individual may be nominated or elected within the same election district. A write-in vote cast for an individual whose name appears on the ballot as a candidate for that office shall be counted as a vote for the candidate.

SECTION 83. IC 3-12-1-19, AS AMENDED BY P.L.278-2019, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) **The provisions of section 1.7 of this chapter concerning write-in votes apply to this section.** This section applies to a federal write-in absentee ballot cast in a general election, municipal election, or special election as provided in IC 3-11-4-12.5(b)(2) by an absent uniformed services voter or overseas voter.

(b) If a voter designates a candidate by writing in the name of a political party on the ballot, the voter's vote shall be counted for all candidates of that political party on the ballot.

(c) If a voter writes an abbreviation, misspelling, or other minor variation instead of the correct name of a candidate or a political party, the voter's vote shall be counted if the intent of the voter can be determined.

**(d) This subsection applies to a voter who casts a ballot for:**

**(1) an individual who is a candidate for President of the United States;**

**(2) an individual who is a candidate for Vice President of**

**the United States; or**

**(3) both individuals who are candidates for President of the United States and Vice President of the United States.**

**A ballot cast as described in this subsection is considered to be cast for the presidential electors and alternate presidential electors pledged to support the ticket of candidates for President and Vice President printed on the regular official ballot.**

**(e) This subsection applies to a voter who casts a ballot for:**

**(1) an individual who is a candidate for governor;**

**(2) an individual who is a candidate for lieutenant governor; or**

**(3) both individuals who are candidates for governor and lieutenant governor.**

**A ballot cast as described in this subsection is considered to be cast for both individuals who are candidates for governor and lieutenant governor of Indiana who are printed on the regular official ballot.**

**(f) (d) If a voter votes for a candidate on a ballot described by this section, but does not indicate the office for which the candidate has been nominated, the voter's vote for that candidate is void.**

SECTION 84. IC 3-12-2-12, AS AMENDED BY P.L.2-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1. However, if the election is contested, then the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During those periods the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.

(b) When permitted under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1, the clerk and county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

(c) A county election board may contract with a state educational institution to dispose of ballots. The contract must provide that:

(1) the ballots will be used by the state educational institution to conduct election research; and

(2) the state educational institution may not receive any ballots under this subsection until the period for retention under ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1 has expired.

SECTION 85. IC 3-12-3-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. This section applies to a precinct where votes have been cast on a ballot card system that is designed to allow the counting and tabulation of votes by the precinct election board. ~~Except as provided in section 1.4 of this chapter,~~ If the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

SECTION 86. IC 3-12-3-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.2. (a) **This section does not apply to an electronic poll book or voting system subject to an impoundment order issued by a court or a recount commission until the impoundment order is rescinded.**

**(b) This subsection applies to an electronic poll book. The inspector and judge of the opposite political party shall immediately deliver all electronic poll books from a precinct polling location or vote center to the county election board with the other election material under section 2(b) of this chapter. The county election board shall secure the electronic poll books in accordance with the requirements of IC 3-11-15-46.**

**(c) This subsection applies to a voting system. At any time after the polls close on election day:**

- (1) the county election board;
- (2) teams consisting of at least two (2) individuals that:
  - (A) are designated by the county election board;
  - (B) are affiliated with a political party entitled to nominate an individual to serve as an appointed member of the county election board; and
  - (C) have at least two (2) individuals on the team who are not members of the same political party; or
- (3) a commercial delivery entity operating under a contract with the county election board;

shall return all voting systems from the polls for the precinct or from the vote centers to a storage facility to be secured under IC 3-11-15-46.

(d) The county election board may not:

- (1) designate any individual to serve on a team if the individual is:

- (A) imprisoned;
- (B) subject to lawful detention;
- (C) on probation;
- (D) on parole;
- (E) subject to home detention; or
- (F) placed in a community corrections program; or

- (2) permit a commercial delivery entity to allow any individual who is:

- (A) imprisoned;
- (B) subject to lawful detention;
- (C) on probation;
- (D) on parole;
- (E) subject to home detention; or
- (F) placed in a community corrections program;

to have access to or return a voting system.

(e) If a county election board uses the teams or a commercial delivery entity described in subsection (c), the board shall require that:

- (1) two (2) members of each team who are not members of the same political party; or
- (2) the commercial delivery entity;

execute a certificate setting forth the information set forth in subsection (f).

(f) The certificate required in subsection (e) must be signed by the two (2) members of each team described in subsection (c) or by an individual authorized to act on behalf of the commercial delivery entity described in subsection (c). The certificate must include the following:

- (1) That the voting systems remained in the custody and control of each individual during the period beginning when the voting systems were received from the county election board and ending when the voting systems were returned to the location designated for securing voting systems under IC 3-11-15-46.
- (2) That no individual other than a team member or an individual acting on behalf of the commercial delivery entity had access to any voting system.
- (3) That an individual documented receipt of the voting system at the location when the system was returned.
- (4) The:
  - (A) written name and signature of the individual; and
  - (B) date that the voting system was delivered to the custody of that individual.

(g) Immediately upon any return of a voting system, the completed certificate must be filed with the county election board.

SECTION 87. IC 3-12-3-5, AS AMENDED BY P.L.194-2013, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating machines, then a remake team composed of one (1) person from each of the major political parties of the county shall have the card prepared for

processing so as to record accurately the intention of the voter insofar as it can be ascertained.

(b) If the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board, the members of the remake team must be members of the precinct election board in which the ballot was cast. If a county provides for the counting and tabulation of ballot card voting systems in a central location, the members of the remake team shall be appointed by the county election board.

(c) If necessary, a true, duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card. Similarly, a duplicate ballot card shall be made of a defective card, not including the uncounted votes.

(d) This subsection applies to an absent uniformed services voter or overseas voter permitted to transmit an absentee ballot by fax or electronic mail under IC 3-11-4-6. To facilitate the transmittal and return of the voter's absentee ballot by fax or electronic mail, the county election board may provide the voter with a paper ballot rather than a ballot card. The paper ballot must conform with the requirements for paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns the ballot by fax or electronic mail, a remake team appointed by the county election board under this section shall prepare a ballot card for processing that accurately records the intention of the voter as indicated on the paper ballot. The ballot card created under this subsection must **include the initials of each member of the remake team** and be marked and counted as a duplicate ballot under sections 6 through 7 of this chapter.

(e) If an automatic tabulating machine fails during the counting and tabulation of votes following the close of the polls, the county election board shall immediately arrange for the repair and proper functioning of the system. The county election board may, by unanimous vote of its entire membership, authorize the counting and tabulation of votes for this election on an automatic tabulating machine approved for use in Indiana by the commission:

- (1) until the repair and retesting of the malfunctioning machine; and
- (2) whether or not the machine was tested under IC 3-11-13-22.

SECTION 88. IC 3-12-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the voting totals have been taken and certified by a precinct election board under section 2(c) of this chapter, the inspector shall:

- (1) seal each automatic tabulating machine used in the precinct;
- (2) place all ballot cards that have been counted in the container provided for that purpose; and
- (3) seal the container into which the ballot cards have been placed;

in the presence of the precinct election board. The automatic tabulating machine may not be moved from the polls after the polls are closed until collected.

(b) The inspector and judge of the opposite political party shall deliver:

- (1) the certification of the vote totals and one (1) copy of the certificate prepared under section 2(c) of this chapter for the circuit court clerk;
- (2) the certificate of the vote totals prepared under section 2(c) of this chapter for the news media;
- (3) the container in which ballot cards have been placed under subsection (a); and
- (4) the unused, uncounted, and defective ballot cards and returns;

to the circuit court clerk.

(c) The inspector and judge of the opposite political party shall deliver the certificates and the list of voters to the county election board by midnight on election day. However, if:

- (1) a ballot card voting system failed;
- (2) the failure of the system was reported as required by



this title;

- (3) paper ballots were used in place of the system; and
- (4) the use of the paper ballots caused a substantial delay in the vote counting process;

then the certificates, the list of voters, and the tally papers shall be delivered as soon as possible.

(d) Upon delivery of the container to the circuit court clerk under subsection (c), the inspector shall take and subscribe an oath before the clerk stating that the inspector:

- (1) closed and sealed the container in the presence of the judges and poll clerks;
- (2) securely kept the ballot cards in the container;
- (3) did not permit any person to open the container or to otherwise touch or tamper with the ballot cards; and
- (4) has no knowledge of any other person opening the container.

(e) Each oath taken under subsection (d) shall be filed in the circuit court clerk's office with other election papers.

(f) Upon completion of the counting of the votes by a precinct election board under section 2(c) of this chapter or at a central location, all ballot cards shall be arranged by precincts and kept by the circuit court clerk for the period required by ~~IC 3-10-1-31~~ or IC 3-10-1-31.1. The clerk shall determine the final disposition of all voted ballot cards.

SECTION 89. IC 3-12-3-14 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 14. (a) The precinct election board may count absentee ballots before the polls have closed:

(b) If the precinct election board counts absentee ballots under this section, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

- (1) a candidate received for an office; or
- (2) cast to approve or reject a public question;

on absentee ballots counted under this section.

SECTION 90. IC 3-12-3.5-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. Except as provided in section 7 of this chapter, If the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

SECTION 91. IC 3-12-3.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) This section does not apply to an electronic poll book or voting system subject to an impoundment order issued by a court or a recount commission until the impoundment order is rescinded.

(b) This subsection applies to an electronic poll book. The inspector and judge of the opposite political party shall immediately deliver all electronic poll books from a precinct polling location or vote center to the county election board with the other election material described in IC 3-12-3-2(b). The county election board shall secure the electronic poll books in accordance with the requirements of IC 3-11-15-46.

(c) This subsection applies to a voting system. At any time after the polls close on election day:

- (1) the county election board;
- (2) teams consisting of at least two (2) individuals that:
  - (A) are designated by the county election board;
  - (B) are affiliated with a political party entitled to nominate an individual to serve as an appointed member of the county election board; and
  - (C) have at least two (2) individuals on the team who are not members of the same political party; or
- (3) a commercial delivery entity operating under a contract with the county election board;

shall return all voting systems from the polls for the precinct or from the vote centers to a storage facility to be secured

under IC 3-11-15-46.

(d) The county election board may not:

(1) designate any individual to serve on a team if the individual is:

- (A) imprisoned;
- (B) subject to lawful detention;
- (C) on probation;
- (D) on parole;
- (E) subject to home detention; or
- (F) placed in a community corrections program; or

(2) permit a commercial delivery entity to allow any individual who is:

- (A) imprisoned;
- (B) subject to lawful detention;
- (C) on probation;
- (D) on parole;
- (E) subject to home detention; or
- (F) placed in a community corrections program;

to have access to or return a voting system.

(e) If a county election board uses the teams or a commercial delivery entity described in subsection (c), the board shall require that:

- (1) two (2) members of each team who are not members of the same political party; or
- (2) the commercial delivery entity;

execute a certificate setting forth the information set forth in subsection (f).

(f) The certificate required in subsection (e) must be signed by the two (2) members of each team described in subsection (c) or by an individual authorized to act on behalf of the commercial delivery entity described in subsection (c). The certificate must include the following:

- (1) That the voting systems remained in the custody and control of each individual during the period beginning when the voting systems were received from the county election board and ending when the voting systems were returned to the location designated for securing voting systems under IC 3-11-15-46.
- (2) That no individual other than a team member or an individual acting on behalf of the commercial delivery entity had access to any voting system.
- (3) That an individual documented receipt of the voting system at the location when the system was returned.

(4) The:

- (A) written name and signature of the individual; and
- (B) date that the voting system was delivered to the custody of that individual.

(g) Immediately upon any return of a voting system, the completed certificate must be filed with the county election board.

SECTION 92. IC 3-12-3.5-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7. (a) The precinct election board may count absentee ballots before the polls have closed:

(b) If the precinct election board counts absentee ballots under this section, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

- (1) a candidate received for an office; or
- (2) cast to approve or reject a public question;

on absentee ballots counted under this section.

SECTION 93. IC 3-12-4-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.3. (a) Beginning at 8 p.m. prevailing local time on election day, and at least once every one hundred twenty (120) minutes until midnight prevailing local time, the county election board shall enter unofficial results for offices elected by all voters of the state and for legislative offices canvassed by the county election



board under this chapter into the computerized list as those unofficial results are tabulated.

**(b) The county:**

- (1) may continue entering unofficial results after midnight; and
- (2) shall resume entry of any remaining unofficial results beginning at 9 a.m. prevailing local time on the day after election day and continue entering these results at least once every sixty (60) minutes until the entry of unofficial results is completed.

SECTION 94. IC 3-12-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. After the county election board has tabulated the vote:

- (1) the canvass sheets used by the board; and
- (2) the certificates, poll lists, and tally papers returned by each inspector in the county;

shall be delivered to the circuit court clerk. The clerk shall file and preserve all the material in the clerk's office as provided in ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1.

SECTION 95. IC 3-12-4-16 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 16. If there is a disagreement between the members of a county election board as to how the vote of a precinct should be counted, the board shall:

- (1) immediately report the matter in dispute to the judge of the circuit court, superior court, or probate court; and
- (2) provide the judge with a written brief stating the grounds of the disagreement and all papers concerning the matter.

SECTION 96. IC 3-12-4-17 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 17. The judge of the circuit court, superior court, or probate court shall summarily determine a dispute presented under section 16 of this chapter and direct the county election board how to count the vote. The judge's determination is final with respect to the action of the board.

SECTION 97. IC 3-12-13-6, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The secretary of state may waive the requirement of section 5 of this chapter, after a written request by a county election board.

(b) The secretary of state may waive the requirement of section 5 of this chapter only if the county election board shows that the technology in use by the county will not enable the county election board to satisfy the requirements for a risk-limiting audit for an election. ~~held after December 31, 2020:~~

SECTION 98. IC 3-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A candidate vacancy that exists on a primary election ballot may not be filled for the primary election. The resulting vacancy on the following general or municipal election ballot may be filled in the manner prescribed by this chapter ~~but only~~ if it is filled by **not later than the noon June 30 before election day: July 3 certification deadline under section 15(c) of this chapter.**

SECTION 99. IC 3-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon ~~June 30~~ **July 3** after the primary election if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).
- (5) The successful challenge of a candidate nominated**

**by a state, county, or town convention of a political party.**

**(6) The successful challenge of a candidate under IC 3-8-8.**

**(7) The successful challenge of a candidate under sections 16.5 and 20.5 of this chapter.**

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 100. IC 3-13-1-10.5, AS AMENDED BY P.L.169-2015, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. **(a) This section applies only to a meeting of a caucus required under this chapter. This section does not apply to the filling of a vacancy by the county chairman or a committee acting under section 6(b)(2) of this chapter.**

~~(a)~~ **(b)** A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the election division with:

- (1) the chairman of the caucus ~~or committee~~ conducting a meeting under this chapter; and
- (2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;

at least seventy-two (72) hours before the time fixed for the caucus ~~or committee~~ meeting.

~~(b)~~ **(c)** A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

~~(c)~~ **(d)** A candidate's declaration of candidacy must contain the following statements:

(1) This subdivision applies to a candidate filing a declaration of candidacy for a state office, legislative office, local office of judge of a circuit, superior, probate, or small claims court, or local office of prosecuting attorney of a judicial circuit. A statement that the candidate has attached either of the following to the declaration:

(A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(2) This subdivision applies to a candidate filing a declaration of candidacy for a local office not described in subdivision (1) or school board office. A statement that the candidate understands that if the candidate is selected to fill the candidate vacancy, the candidate is required to file a statement of economic interests under IC 3-8-9-5.

(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(4) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be

required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(5) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subsection.

SECTION 101. IC 3-14-4-10, AS AMENDED BY P.L.158-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. A person who knowingly violates:

(1) IC 3-11.5-5;

(2) IC 3-11.5-6; **or**

(3) IC 3-12-2-1;

~~(4) IC 3-12-3-14; or~~

~~(5) IC 3-12-3.5-7;~~

by providing any other person with information concerning the number of votes a candidate received for an office or cast to approve or reject a public question on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a Level 6 felony.

SECTION 102. IC 20-23-4-30, AS AMENDED BY P.L.219-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, **fewer candidates have been elected to the school board than there were members to be elected, the governing body shall determine not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. However, if there is a vacancy on the governing body, for any reason, including the failure of the sufficient number of petitions for candidates being filed;** whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

(e) At the first general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the greatest number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the

governing body receiving the next greatest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(f) Elected governing body members take office and assume their duties on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately after the member's election.

SECTION 103. IC 20-23-12-9, AS AMENDED BY P.L.278-2019, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2020 and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2022 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in ~~2020~~ **2024** and every four (4) years thereafter.

SECTION 104. IC 20-23-14-9, AS AMENDED BY P.L.278-2019, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the general election to be held in ~~2020~~ **2024** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the general election to be held in 2022 and every four (4) years thereafter.

SECTION 105. IC 20-23-17-8, AS AMENDED BY P.L.74-2017, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This subsection applies to a member of the governing body elected at the 2016 general election. The successors of a member elected at the 2016 general election shall:

(1) be elected at the ~~2020~~ **2024** general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(b) This subsection applies to the appointed member of the governing body whose term expires December 31, 2017. The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as provided in section 4 of this chapter.

(c) This subsection applies to the member of the governing body elected at the 2014 general election. The successors of a member elected at the 2014 general election shall:

(1) be elected at the ~~2018~~ **2022** general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(d) This subsection applies to the appointed member of the governing body whose term expires December 31, 2018. The successors of this member shall be appointed by the city executive as provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

SECTION 106. IC 20-23-17.2-3.1, AS AMENDED BY P.L.278-2019, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.1. (a) The governing body of the school corporation consists of five (5) members, elected as provided in this chapter.

(b) Three (3) members shall be elected as follows:

(1) From districts established as provided in section 4.1 of

this chapter.

(2) On a nonpartisan basis.

(3) At the general election held in the county in 2022 and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

(1) At large by all the voters of the school corporation.

(2) On a nonpartisan basis.

(3) At the general election held in the county in ~~2020~~ 2024 and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 107. IC 20-26-4-4, AS AMENDED BY P.L.233-2015, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. **If fewer candidates have been elected to the school board than there were members to be elected, the governing body shall determine not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified.**

**However, if a vacancy in the membership of a governing body occurs, for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election and whether the vacancy was of an elected or appointed member, the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:**

(1) of a member who serves on a governing body in an ex officio capacity; or

(2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.

SECTION 108. IC 33-35-1-1, AS AMENDED BY P.L.278-2019, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) During 2022 and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in November ~~2019~~ 2023 and every four (4) years thereafter.

(c) A court established under subsection (a) comes into existence on January 1 of the year following the year in which a judge is elected to serve in that court.

(d) A city or town court in existence on January 1, 1986, may continue in operation until it is abolished by ordinance.

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the following:

(1) The office of judicial administration under IC 33-24-6.

(2) The secretary of state.

(3) The circuit court clerk of the county in which the greatest population of the city or town resides.

SECTION 109. IC 36-3-4-2, AS AMENDED BY P.L.266-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A city-county council, which is the legislative body of both the consolidated city and the county, shall be elected under

IC 3-10-6 by the voters of the county. The city-county council consists of the following members:

~~(1) Before January 1, 2016, twenty-nine (29) members.~~

~~(2) After December 31, 2015, twenty-five (25) members.~~

(b) To be eligible to serve as a member of the legislative body, a person must meet the qualifications prescribed by IC 3-8-1-25.

(c) A member of the legislative body must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(d) A vacancy in the legislative body occurs whenever a member:

(1) dies, resigns, or is removed from office;

(2) ceases to be a resident of the district from which the member was elected; or

(3) is incapacitated to the extent that the member is unable to perform the member's duties for more than six (6) months.

(e) The vacancy shall be filled under IC 3-13-8.

(f) The term of office of a member of the legislative body is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 110. **An emergency is declared for this act.**

(Reference is to EHB 1365 as reprinted March 24, 2021.)

WESCO

JON FORD

PFAFF

J.D. FORD

House Conferees

Senate Conferees

Roll Call 480: yeas 85, nays 2. Report adopted.

Representatives DeVon, Morrison, Pressel and Summers, who had been excused, are now present.

Representative Jackson, who had been present, is now excused.

#### CONFERENCE COMMITTEE REPORT

##### EHB 1396-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1396 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-36-2-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. "Jumbo boat" has the meaning set forth in IC 7.1-1-3-19.6.**

SECTION 2. IC 4-36-2-17, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. "Retailer" means a person that:

(1) is licensed to sell alcoholic beverages under IC 7.1-3 to customers for consumption:

**(A) on the licensed premises of the person's tavern; or**

**(B) on a jumbo boat; and**

(2) holds an endorsement to conduct type II gambling games that was issued by the commission under IC 4-36-4.

SECTION 3. IC 4-36-2-21, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. "Type II gambling

operation" means the conduct of gambling games authorized under this article in a tavern **or on a jumbo boat**.

SECTION 4. IC 4-36-4-1, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to section 13 of this chapter, the commission shall issue a retailer's endorsement to an applicant that satisfies the requirements of this article. A retailer's endorsement allows the retailer to conduct type II gaming at only the tavern **or jumbo boat** specified in the retailer's application under section 3(b)(2) of this chapter. An applicant must obtain a separate retailer's endorsement for each tavern **or jumbo boat** at which the applicant wishes to conduct type II gaming.

(b) The commission shall affix an endorsement issued under this chapter to the retailer's alcoholic beverage permit that authorizes the retailer to sell alcoholic beverages at the tavern **or jumbo boat** specified in the retailer's application under section 3(b)(2) of this chapter. An endorsement issued under this chapter is valid for one (1) year.

SECTION 5. IC 4-36-4-2, AS AMENDED BY P.L.58-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) To qualify for a retailer's endorsement, a person must operate a:

- (1) tavern licensed under IC 7.1-3 to sell alcoholic beverages to customers for consumption on the premises of the tavern; **or**
- (2) **jumbo boat and hold a:**
  - (A) **boat beer permit under IC 7.1-3-6-12 through IC 7.1-3-6-14;**
  - (B) **boat liquor permit under IC 7.1-3-11-9 through IC 7.1-3-11-10; or**
  - (C) **boat wine permit under IC 7.1-3-16-3 through IC 7.1-3-16-4.**

(b) The following may not apply for a retailer's endorsement under this article:

- (1) A person holding a horse track permit under IC 7.1-3-17.7.
- (2) A licensed owner of a riverboat licensed under IC 4-33.
- (3) An operating agent who operates a riverboat in a historic hotel district under IC 4-33.
- (4) A qualified organization (as defined in IC 4-32.3-2-31).
- (5) An organization that is eligible to apply for a charity gaming license under IC 4-32.3.
- (6) A person holding a gambling game license issued under IC 4-35-5.
- (7) **Except for a person holding a boat permit that operates a jumbo boat**, a person holding a permit issued under IC 7.1-3 for a licensed premises that is not a tavern, including holders of the following:
  - (A) A boat permit.
  - (B) A hotel permit.
  - (C) A fraternal club permit.
  - (D) A resort hotel permit.
  - (E) An airport permit.
  - (F) A satellite facility permit.
  - (G) A microbrewery permit.
  - (H) A social club permit.
  - (I) A civic center permit.
  - (J) A catering hall permit.
  - (K) A dining car permit.
  - (L) A temporary event permit.
  - (M) A permit for any of the following facilities:
    - (i) A stadium.
    - (ii) An automobile race track.
    - (iii) A concert hall.

SECTION 6. IC 4-36-4-3, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) To obtain a

retailer's endorsement, a person must submit an application form to the commission.

(b) An application submitted under this section must include at least the following:

- (1) The name and address of the applicant and of any person holding at least a ten percent (10%) interest in the applicant.
- (2) The name and address of the tavern **or jumbo boat** for which the applicant seeks a retailer's endorsement.
- (3) The applicant's consent to credit investigations and criminal record searches.
- (4) Waivers and releases signed by the applicant that the commission believes are necessary to ensure a full and complete review of the application.

(c) An applicant must furnish all information requested by the commission, including financial data and documents, certifications, consents, waivers, and individual histories.

(d) The commission shall review the applications for a retailer's endorsement under this chapter and shall inform each applicant of the commission's decision concerning the issuance of a retailer's endorsement.

SECTION 7. IC 4-36-4-5, AS AMENDED BY P.L.108-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall charge the following fees for the issuance of a person's initial annual endorsement or license under this chapter:

- (1) Two hundred fifty dollars (\$250) for a retailer's endorsement to conduct a type II gambling operation in the retailer's tavern **or on the retailer's jumbo boat**.
- (2) One thousand dollars (\$1,000) for a distributor's license.
- (3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(b) The commission shall charge the following fees for the renewal of a person's annual endorsement or license under this chapter:

- (1) The following amounts for a retailer's endorsement:
  - (A) One hundred dollars (\$100) in the case of a retailer that had adjusted gross revenues of less than twenty-five thousand dollars (\$25,000) in the previous year.
  - (B) Two hundred fifty dollars (\$250) in the case of a retailer that had adjusted gross revenues of at least twenty-five thousand dollars (\$25,000) but less than fifty thousand dollars (\$50,000) in the previous year.
  - (C) Five hundred dollars (\$500) in the case of a retailer that had adjusted gross revenues of at least fifty thousand dollars (\$50,000) but less than one hundred thousand dollars (\$100,000) in the previous year.
  - (D) One thousand dollars (\$1,000) in the case of a retailer that had adjusted gross revenues of at least one hundred thousand dollars (\$100,000) in the previous year.
- (2) One thousand dollars (\$1,000) for a distributor's license.
- (3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(c) A retailer shall report the amount of the retailer's adjusted gross receipts on the form required to renew the retailer's endorsement. The renewal fee required under subsection (b)(1) must be submitted with the renewal form.

(d) The commission shall deposit all fees collected under this chapter into the enforcement and administration fund established under IC 7.1-4-10.

SECTION 8. IC 4-36-5-1, AS AMENDED BY P.L.19-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A retailer may offer the sale of type II gambling games in accordance with this article.

(b) A retailer's endorsement also authorizes a retailer to conduct qualified drawings:

(1) on the premises of the retailer's tavern; or

**(2) on the retailer's jumbo boat.**

A qualified drawing must be conducted in the manner required by this section.

(c) A qualified drawing is subject to the following rules and limitations:

(1) The purchase price for a chance to win a prize in a qualified drawing may not exceed five dollars (\$5).

(2) This subdivision does not apply to a qualified drawing conducted under subdivision (12). The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars (\$300) for any of the following:

(A) A daily drawing.

(B) A weekly drawing.

(C) A monthly drawing.

(3) A qualified drawing must be conducted in accordance with the following limitations:

(A) Not more than one (1) daily drawing may be conducted each day.

(B) Not more than one (1) weekly drawing may be conducted each week.

(C) Not more than one (1) monthly drawing may be conducted each month.

(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (10).

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision (10).

A weekly or monthly drawing may be conducted on the same day that a daily drawing is conducted.

(4) Except as otherwise provided in this section, a patron must be present to claim a prize awarded in a qualified drawing.

(5) A retailer may profit from conducting a qualified drawing.

(6) A retailer may not conduct a qualified drawing or any other event in which the winner of the prize is determined, in whole or in part, by a sporting event.

(7) If no winning ticket is drawn in a qualified drawing, a retailer may:

(A) carry the prize over to a later drawing in accordance with this section; or

(B) continue drawing tickets until a winner is drawn.

(8) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a retailer shall hold the prize for the winning patron in accordance with the rules of the retailer.

(9) In order to comply with subdivision (8), a retailer shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing.

(10) A retailer must conspicuously display the following information concerning each qualified drawing conducted by the retailer:

(A) The price of a ticket.

(B) The time of the drawing.

(C) The description and value of the prizes awarded in the drawing.

(D) The manner in which a prize may be claimed.

(E) The rules of the retailer concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the retailer will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(F) Whether:

(i) the retailer will retain the profits realized from

conducting the qualified drawing; or

(ii) the amount wagered on the qualified drawing will be returned to the retailer's patrons in the form of prizes.

(11) Notwithstanding any other provision of this chapter, a retailer must continue drawing tickets in a monthly drawing until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(12) The following rules apply only to a qualified drawing from which the retailer retains the profits:

(A) Cash may not be awarded to the winner of the qualified drawing.

(B) All prizes must be in the form of merchandise other than alcohol or tobacco.

(C) The maximum amount of wagers that a retailer may accept in the course of conducting the qualified drawing is five hundred dollars (\$500).

(d) When the winning patron is not present at the time of the qualified drawing to claim a prize, the retailer shall award the prize in the following manner:

(1) The retailer shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has the time permitted by the rules of the retailer, which must be at least seventy-two (72) hours, to claim the prize.

(2) The winning patron must appear at the retailer's premises within the time permitted by the rules of the retailer to claim the prize in person.

(3) The retailer shall verify the identity of the winning patron and award the prize.

(e) This subsection applies when the rules of a retailer require the retailer to carry over a prize when no winning ticket is drawn and when a winning patron fails to claim a prize in the manner required by subsection (d). The retailer shall carry the prize over to a later qualified drawing as follows:

(1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.

(2) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over, the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(3) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (3) not more than one (1) time. On the day that the retailer conducts a weekly drawing for the carried over prize, the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(f) The following apply to a retailer that carries over a prize under subsection (e):

(1) A retailer may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the retailer holds a prize for a winning patron who was not present at the time of a qualified drawing.

(2) If an unclaimed prize from a daily drawing is carried over to a particular date, the retailer may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a weekly drawing is carried over to a particular date, the retailer may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may accept additional entries to a drawing for a carried over prize.

SECTION 9. IC 4-36-5-2, AS AMENDED BY P.L.19-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A type II gambling game may be sold under this article only on the premises of the retailer's tavern **or jumbo boat**.

(b) Type II gambling games and qualified drawings conducted under section 1(c) of this chapter may not be offered in any part of the retailer's licensed premises in which a minor may be present under IC 7.1-5-7-11(a)(16).

SECTION 10. IC 4-36-5-4, AS AMENDED BY P.L.19-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A retailer shall maintain accurate records of all financial aspects of the retailer's type II gambling operation. A retailer shall make accurate reports of all financial aspects of the type II gambling operation to the commission within the time established by the commission. The commission shall prescribe forms for this purpose. The forms prescribed under this subsection must enable a retailer to report the amount of qualified drawing profits retained by the retailer during the reporting period.

(b) As long as a retailer's receipts from the retailer's type II gambling operation remain on the premises of the retailer's tavern **or jumbo boat**, the receipts may not be commingled with the receipts of the retailer's alcoholic beverage sales, food sales, and other related nongambling activities.

SECTION 11. IC 4-36-7-2, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The commission may do any of the following:

- (1) Investigate an alleged violation of this article.
- (2) Enter the following premises for the performance of the commission's lawful duties:
  - (A) A retailer's tavern.
  - (B) A jumbo boat.**
  - ~~(B)~~ (C) A place in which type II gambling games are being purchased, sold, manufactured, printed, or stored.
- (3) Take necessary equipment from the premises referred to in subdivision (2) for further investigation.
- (4) Obtain full access to all financial records of the alleged violator on request.
- (5) If there is a reason to believe that a violation has occurred, search and inspect the premises where the violation is alleged to have occurred or is occurring. A search under this subdivision may not be conducted unless a warrant has first been obtained by the commission. A contract entered into by the commission may not include a provision allowing for warrantless searches. A warrant may be obtained in the county in which the search will be conducted or in Marion County.
- (6) Seize or take possession of:
  - (A) papers;
  - (B) records;
  - (C) tickets;
  - (D) currency; or
  - (E) other items;
 related to an alleged violation.

SECTION 12. IC 7.1-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. ~~Beer~~. The term "beer" means an alcoholic beverage obtained by the fermentation of:

- (1) an infusion or decoction of:
  - (A) barley malt or other cereal; and
  - (B) hops;**
 in water; **or**
- (2) cereal byproducts.**

SECTION 13. IC 7.1-1-3-16.5, AS AMENDED BY P.L.285-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.5. The term "entertainment complex" means a premises that complies with one (1) or more of the following requirements:

- (1) The premises:
  - (A) is a site for the performance of musical, theatrical, or other entertainment; and
  - (B) includes an area where at least ~~eight hundred (800)~~ **six hundred (600)** individuals may be seated at one (1) time in permanent seating.
- (2) The premises:
  - (A) is located entirely within a ~~one (1)~~ **four (4)** mile radius of the center of a consolidated city;
  - (B) is used by a nonprofit organization primarily **as a fine arts theater or** for the professional performance of musical or theatrical entertainment; and
  - (C) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals.

SECTION 14. IC 7.1-1-3-16.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.7. The term "flavored malt beverage" means an alcoholic beverage that has all of the following attributes:

- (1) The alcoholic beverage is made from a malt beverage base that is flavored with aromatic essences or other flavorings in quantities and proportions that result in a product that possesses a character and flavor distinctive from the malt beverage base and is distinguishable from other malt beverages.
- (2) The label, packaging, container, and any advertising or depiction of the alcoholic beverage disseminated, broadcast, or available in Indiana do not contain any of the following words, or a derivative, version, or non-English translation of the following words:
  - (A) Beer.
  - (B) Lager.
  - (C) Pilsner.
  - (D) Stout.
  - (E) Porter.
  - (F) Ale.
  - (G) Cider.
  - (H) Framboise.
  - (I) Lambic.
  - (J) Draft.
  - (K) Liquor.
  - (L) Bitter.
  - (M) Brew.

However, the label and packaging may contain in only one (1) location the words "flavored beer" placed adjacent to each other in type not to exceed two (2) millimeters in height.

~~(3) The alcoholic beverage is not distributed in aluminum or other metal containers.~~

~~(4)~~ (3) The alcoholic beverage creates no foam that gives the appearance of beer when the alcoholic beverage is poured from its container.

SECTION 15. IC 7.1-1-3-19.6, AS ADDED BY P.L.285-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.6. The term "jumbo boat" means a ~~United States Coast Guard approved~~ vessel having a length of at least one hundred thirty-five (135) feet and a width of at least thirty-five (35) feet. The term does not include a riverboat (as defined in IC 4-33-2-17).

SECTION 16. IC 7.1-2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. ~~Forms~~. The commission, in accordance with IC 5-15-5.1, shall have the power to prescribe the forms for all applications, permits, licenses, **certificates**, and other documents and records used in the administration of this title.

SECTION 17. IC 7.1-2-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. ~~Rules and Regulations~~. The commission shall have the power to promulgate rules and regulations governing **the following**:

- ~~(a)~~ (1) The conduct of the meetings and business of the

commission.

~~(b)~~ **(2)** The conduct of hearings before any of the commission's representatives.

~~(c)~~ **(3)** The conduct of the business of a permittee **or certificate holder** authorized or governed by the provisions of this title.

~~(d)~~ **(4)** The enforcement of the provisions of this title and of the rules and regulations of the commission.

~~(e)~~ **(5)** The standards of purity and methods of manufacturing used in the production of alcohol and alcoholic beverages.

~~(f)~~ **(6)** The prevention of misbranding or adulteration of alcohol or alcoholic beverages. **and**

~~(g)~~ **(7)** The prevention of fraud, evasion, trickery, or deceit in the manufacture, labeling, importation, advertisement, transportation, or sale of alcohol or alcoholic beverages, or the evasion of other laws of Indiana relating to alcohol or alcoholic beverages.

SECTION 18. IC 7.1-2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. ~~Permits~~. The commission shall have the discretionary authority to issue, deny, suspend, revoke, or not renew all permits **and certificates** authorized by this title, unless the exercise of discretion or authority is limited by applicable provisions of this title.

SECTION 19. IC 7.1-2-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. ~~Regulation of Business Relationships~~. The commission shall have the power to ascertain the business relationships, including ~~non-alcoholic~~ **nonalcoholic** beverage business relationships, between permittees **or certificate holders** under this title. The commission shall have the power to regulate or prohibit a practice, relationship, or dealing by or between permittees **or certificate holders**, which in the judgment of the commission is inimical to or a violation of a provision of this title or of a rule or regulation of the commission. The commission may take action in these matters by rule or regulation or by individual order upon hearing after five (5) days notice to the effected permittee **or certificate holder**.

SECTION 20. IC 7.1-2-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. ~~Evidence of Misbranding~~. An unbroken bottle **or container** which contains, or has contained, liquor or wine and which bears a brand, label, trade-mark, name or other device, marking, inscription, or a reference to quality, nature, character, origin, or manufacturer of the alcoholic beverage contents of that bottle **or container**, that has been altered, defaced, restored, or upon which the tax stamp of the federal government has been forged, counterfeited, restored, or reused, or which brand, label, trade-mark, name or other device, marking or inscription does not truly describe the contents or former contents shall be received in evidence in a court as prima facie proof that the person chargeable with the possession of it either is, or was, or both, maintaining a public nuisance and either is, or was, or both, keeping and possessing misbranded or adulterated alcoholic beverages.

SECTION 21. IC 7.1-2-5-12, AS AMENDED BY P.L.1-2009, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. The court shall receive oral testimony also upon a matter referred to in section 11 of this chapter for the purpose of showing a violation of this title whether the bottle **or container** is offered in evidence or not.

SECTION 22. IC 7.1-2-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. ~~Destroyed Evidence~~. If a fluid is poured out or otherwise destroyed or carried away by the tenant or other person when a premises is being searched, the fluid shall be held to be, prima facie, an alcoholic beverage held or possessed contrary to this title and intended for unlawful possession and sale. Proof of the possession of an empty bottle **or container**, keg, case and vessel that has contained a destroyed alcoholic beverage shall be

admitted as evidence of the illegal possession of that alcoholic beverage.

SECTION 23. IC 7.1-3-1-3.5, AS AMENDED BY P.L.285-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section only applies to a retailer or dealer permit that is deposited with the commission before July 1, 2019.

(b) A permittee to whom a retailer or dealer permit has been issued under this title may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the business to which the permit applies. Subject to subsections (d) through ~~(e)~~, **(f)**, the commission may extend the term of the deposit under IC 7.1-3-1.1.

(c) This subsection applies to a permit that is deposited with the commission before July 1, 2016. The permit reverts to the commission if the permit is not active before July 1, 2020.

(d) This subsection applies to a permit that is deposited with the commission after June 30, 2016, and before July 1, ~~2018~~. **2017**. The permit reverts to the commission if the permit is not active before July 1, 2021.

**(e) This subsection applies to a permit that is deposited with the commission after June 30, 2017, and before July 1, 2018. The permit reverts to the commission if the permit is not active before July 1, 2022.**

~~(e)~~ **(f)** This subsection applies to a permit that is deposited with the commission after June 30, 2018, and before July 1, 2019. The permit reverts to the commission if the permit is not active before July 1, ~~2022~~. **2023**.

~~(f)~~ **(g)** This section expires July 1, 2024.

SECTION 24. IC 7.1-3-1-5, AS AMENDED BY P.L.285-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (b), an application for a permit to sell alcoholic beverages of any kind, and the required publication of notice, shall disclose the name of the applicant and the specific address where the alcoholic beverages are to be sold, and any assumed business name under which the business will be conducted. The application and notice also shall disclose:

**(1) the names and addresses of the president and secretary of the corporation, club, association, or organization who will be responsible to the public for the sale of the alcoholic beverage if the applicant is a corporation, club, association, or other type of organization; or**

**(2) the Internet web site where a member of the public may access the information in subdivision (1).**

(b) An application for a permit may be processed by the commission while the location of the permit premises is pending, upon a showing of need by the permit applicant. Any permit issued by the commission while the location of the permit premises is pending shall be placed immediately on deposit with the commission under IC 7.1-3-1-3.5 (before July 1, 2019) or (after June 30, 2019) IC 7.1-3-1.1 upon approval of the permit by the commission. If a permit issued by the commission is deposited with the commission under this subsection:

(1) the applicant must go before the local board for approval of the applicant; and

(2) before making the permit active, the permittee must go before the local board for approval of the location.

SECTION 25. IC 7.1-3-1-29, AS AMENDED BY P.L.35-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. (a) For purposes of this section, "health facility" does not include an intermediate care facility for individuals with intellectual disabilities.

(b) As used in this section, "senior residence facility" means a:

(1) health facility licensed under IC 16-28; or

(2) housing with services establishment (as defined in



IC 12-10-15-3).

(c) For purposes of this section, "senior residence facility campus" means a senior residence facility and the property on which a senior residence facility is located.

(d) A senior residence facility may, without a permit issued under this title, possess and give or furnish an alcoholic beverage, by the bottle, **by the container**, or by the glass, on the premises of the senior residence facility campus for consumption on the premises to any of the following:

- (1) A resident who:
  - (A) is not a minor; and
  - (B) resides on the premises of the senior residence facility.
- (2) A guest or family member of a resident described in subdivision (1) who:
  - (A) is not a minor; and
  - (B) is visiting the resident at the senior residence facility.

(e) Subject to subsection (f), this section may not be construed to authorize a senior residence facility to sell alcoholic beverages on the premises of the senior residence facility campus without a permit under this title.

(f) For purposes of this section, a senior residence facility that:

- (1) charges a:
  - (A) room and board fee to residents of the senior residence facility; or
  - (B) fee for organizing activities for:
    - (i) residents of the senior residence facility; and
    - (ii) guests or family members of the residents;
- (2) uses a portion of a fee described in subdivision (1) to:
  - (A) purchase alcoholic beverages; and
  - (B) furnish the alcoholic beverages to individuals described in subsection (d); and
- (3) does not purchase and furnish the alcoholic beverages for profit;

is not considered to be selling alcoholic beverages.

SECTION 26. IC 7.1-3-1-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 30. (a) This section applies to a permittee that sells and delivers alcoholic beverages to a consumer's residence, regardless of whether the delivery is made by the permittee, permittee's employees, or (if allowed under the permittee's permit) a third party delivery service.**

**(b) A person delivering alcoholic beverages to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.**

SECTION 27. IC 7.1-3-1.1-4, AS ADDED BY P.L.285-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. This section sets out the procedure for a permit holder to request deposit of a permit or extension of a term of deposit. A permit holder must do the following:

- (1) Submit the permit holder's request for deposit or an extension of the term of deposit to the commission in writing. A permit holder must submit a request for extension at least sixty (60) days before the term of deposit expires.
- (2) To make an initial request for deposit of a permit, the permit holder must submit documentation of the following:**
  - (A) The specific reasons why the business for which the permit was issued is not immediately operational.**
  - (B) A timetable for making the business and the permit active.**
  - (C) A detailed statement of the permit holder's efforts to make the business operational and the permit active.**

**(2) (3) To request an extension of a term of deposit,** appear at a public meeting of the commission and provide to the commission's satisfaction an explanation of the following:

- (A) The specific reasons why the business for which the permit was issued is not immediately operational.
  - (B) A timetable for making the business operational and the permit active.
  - (C) A detailed statement of the permit holder's efforts to make the business operational and the permit active.
- (3) (4) The permit holder shall** Submit to the commission any other documentation of the permit holder's efforts under subdivision ~~(2)(C); (3)(C)~~, including:
- (A) contracts for construction or renovation of the permit premises;
  - (B) zoning applications and approvals; and
  - (C) building permits and any other necessary government approvals.

**(4) (5) If the commission approves the permit holder's initial request for deposit or request for an extension of a term of deposit,** pay any permit renewal fees that are due.

SECTION 28. IC 7.1-3-2-2, AS AMENDED BY P.L.79-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The commission may issue a brewer's permit for a brewery that manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue a brewer's permit under this subsection for a brewery that manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana if the brewer holds more than one (1) brewer's permit and manufactures, at all of the brewer's breweries located in Indiana, an aggregate of more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue a permit under this subsection only to:

- (1) an individual;
- (2) a partnership; ~~all the partners of which are bona fide residents of Indiana;~~
- (3) a limited liability company; ~~all the members of which are bona fide residents of Indiana;~~ or
- (4) a corporation organized and existing under the laws of Indiana and having authority under its charter to manufacture or sell beer.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue more than one (1) permit under this subsection to a brewer if the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue a permit under this subsection only to:

- (1) an individual;
- (2) a partnership organized and existing under the laws of Indiana;
- (3) a limited liability company organized and existing under the laws of Indiana; or
- (4) a corporation organized and existing under the laws of Indiana.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

SECTION 29. IC 7.1-3-2-7, AS AMENDED BY P.L.285-2019, SECTION 17, IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:
  - (A) Sell and deliver a total of not more than thirty thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.
  - (B) Be the proprietor of a restaurant that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2.
  - (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
  - (D) Transfer beer directly from the brewery to the restaurant by means of:
    - (i) bulk containers; or
    - (ii) a continuous flow system.
  - (E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
  - (F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.
  - (G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:
    - (i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.
    - (ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.
    - (iii) Providing food prepared at the brewery.
  - (H) Sell and deliver beer to a consumer at the ~~permit~~ **licensed** premises of the brewer or at the residence of the consumer. **Notwithstanding IC 7.1-1-3-20, the licensed premises may include the brewery parking lot or an area adjacent to the brewery that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer subject to section 10 of this chapter, and may not be used for point of sale purposes or any other purpose.** The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.
  - (I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

- (J) With the approval of the commission, participate:
  - (i) individually; or
  - (ii) with other permit holders under this chapter, holders of artisan distiller's permits, holders of farm winery permits, or any combination of holders described in this item;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

- (K) Store or condition beer in a secure building that is:
  - (i) separate from the brewery; and
  - (ii) owned or leased by the permit holder.

**(L) Transfer beer from a building described in clause (K) back to the brewery.**

**(M) ~~A brewer may not~~ Sell or transfer beer directly to a permittee or consumer beer wholesaler from a building described in this clause (K), but may not sell or transfer beer from the building to any other permittee or a consumer. The brewer shall maintain an adequate written record of the beer transferred:**

- (i) between the brewery and the separate building; and**
- (ii) from the separate building to the wholesaler.**

~~(N)~~ **(N)** Sell the brewery's beer to the holder of a supplemental caterer's permit issued under IC 7.1-3-9.5 for on-premises consumption only at an event that is held outdoors on property that is contiguous to the brewery as approved by the commission.

~~(O)~~ **(O)** Receive liquor from the holder of a distiller's permit issued under IC 7.1-3-7 or the holder of an artisan distiller's permit under IC 7.1-3-27 that is located in the same county as the brewery for the purpose of carbonating and canning the liquor. Upon the completion of canning of the liquor, the product must be returned to the original production facility within forty-eight (48) hours. The activity under this clause is not an interest under IC 7.1-5-9.

- (6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

- (7) Provide complimentary samples of beer that are:
  - (A) produced by the brewer; and
  - (B) offered to consumers for consumption on the brewer's premises.
- (8) Own a portion of the corporate stock of a sports corporation that:
  - (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
  - (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.
- (9) For beer described in IC 7.1-1-2-3(a)(4):
  - (A) may allow transportation to and consumption of the beer on the licensed premises; and
  - (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 30. IC 7.1-3-2-10 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) This section applies to a permittee that conveys alcoholic beverages to a customer in a parking lot or an area adjacent to the brewery as provided under section 7(5)(H) of this chapter.

(b) Alcoholic beverages must be:

- (1) in sealed containers; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:

(A) in the trunk of the motor vehicle; or

(B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

(c) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

(1) well lit; and

(2) within clear view of the main entrance of the brewery building premises.

SECTION 31. IC 7.1-3-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under his permit only from a permittee entitled to sell to him under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house. **This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.**

(b) A beer retailer shall not be entitled to sell beer at wholesale. He shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall he be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other commercial containers in a quantity that does not exceed fifteen and one-half (15 1/2) gallons at any one (1) time. **A beer retailer that delivers beer to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.**

(d) Notwithstanding IC 7.1-3-20, the licensed premises of the beer retailer may include the beer retailer parking lot or an area adjacent to the beer retailer that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer, and may not be used for point of sale purposes or any other purpose. Any alcoholic beverages conveyed to the customer must be:

(1) in the sealed original containers and placed in a bag that is stamped, printed, or labeled on the outside: "CONTAINS ALCOHOLIC BEVERAGES"; and

(2) placed by an employee of the permittee who is at least twenty-one (21) years of age:

(A) in the trunk of the motor vehicle; or

(B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

A retailer permittee may only convey a customer's order of alcoholic beverages to the customer, if the customer has also purchased a meal from the retailer permittee that is conveyed to the customer at the same time as the alcoholic beverages.

(e) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(f) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

(1) well lit; and

(2) within clear view of the main entrance to the building of the retailer premises.

SECTION 32. IC 7.1-3-5-2, AS AMENDED BY P.L.285-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) As used in this section, "proprietor of a package liquor store" means the person that:

(1) holds the financial investment in; and

(2) exercises the financial and operational oversight of; a package liquor store.

(b) The commission may issue a beer dealer's permit only to an applicant who is the proprietor of a drug store, grocery store, or package liquor store.

(c) ~~Subject to subsection (d),~~ The commission may issue a beer dealer's permit to an applicant that is a foreign corporation if:

(1) the applicant is duly admitted to do business in Indiana;

(2) the sale of beer is within the applicant's corporate powers; and

(3) the applicant is otherwise qualified under this title.

~~(d) Except as provided under IC 7.1-3-21-5.6, the commission may issue a beer dealer's permit under subsection (e) for the premises of a package liquor store only if the proprietor of the package liquor store satisfies the Indiana resident ownership requirements described in IC 7.1-3-21-5(b); IC 7.1-3-21-5.2(b); or IC 7.1-3-21-5.4(b).~~

~~(e) (d)~~ The commission shall not issue a beer dealer's permit to a person who is disqualified under the special disqualifications. However, the special disqualification listed in IC 7.1-3-4-2(a)(14) shall not apply to an applicant for a beer dealer's permit.

~~(f) (e)~~ Notwithstanding subsection (b), the commission may renew a beer dealer's permit for an applicant who:

(1) held a permit before July 1, 1997; and

(2) is the proprietor of a confectionery or a store that:

(A) is not a drug store, grocery store, or package liquor store;

(B) is in good repute; and

(C) in the judgment of the commission, deals in merchandise that is not incompatible with the sale of beer.

SECTION 33. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. **This delivery may only be performed by**

**the permit holder or an employee who holds an employee permit.** However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. **This delivery may only be performed by the permit holder or an employee who holds an employee permit.** The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 34. IC 7.1-3-6-2, AS AMENDED BY P.L.285-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The commission may issue a temporary beer permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in IC 7.1-3-4-2(a)(4), IC 7.1-3-4-2(a)(9), and IC 7.1-3-4-2(a)(14) ~~and the residency requirements provided in IC 7.1-3-21-3,~~ shall not apply to an applicant for a temporary beer permit.

SECTION 35. IC 7.1-3-6-14, AS AMENDED BY P.L.285-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in subsection (b), the holder of a boat beer permit may purchase beer, possess it, and sell it at retail for consumption only in the dining room of the boat described in the application. The permit holder may sell beer only in the course of a run and only one (1) hour before the boat embarks on the run.

(b) This subsection applies only to the holder of a boat beer permit who operates a jumbo boat. Subject to the approval of the local board of each county where the jumbo boat docks, the holder of a boat beer permit may purchase beer, possess it, ~~and sell it at retail for consumption only on the jumbo boat described in the application,~~ **and sell it for carryout.** The permit holder may sell beer during the time periods specified under IC 7.1-3-1-14.

SECTION 36. IC 7.1-3-7-3, AS AMENDED BY P.L.285-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The holder of a distiller's permit shall be entitled to:

- (1) manufacture liquor;
- (2) ~~to rectify it; liquor; and to~~
- (3) ~~bottle it liquor; and~~
- (4) **insert liquor into containers.**

(b) A distiller shall enjoy all the privileges accorded the holder of a rectifier's permit, but the distiller shall not have to obtain a separate rectifier's permit nor pay an additional fee.

(c) A distiller shall be entitled to transport liquor and to sell and deliver it in shipments to points outside this state, or to the holder of a liquor wholesaler's permit, or to the holder of a rectifier's permit.

(d) A distiller may not sell liquor produced under a distiller's permit as issued under ~~IC 7.1-3-7-1~~ **section 1 of this chapter** to a consumer, nor to a person for the purpose of having it retailed by the person, whether that person holds a liquor retailer's permit under this title or not.

(e) A distiller may transport liquor to and from a brewery located within the same county for the purposes of carbonating and canning by the brewery.

(f) The activity under this section is not an interest under

IC 7.1-5-9.

SECTION 37. IC 7.1-3-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The holder of a liquor retailer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to him under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house. **This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.**

(b) A liquor retailer shall not be entitled to sell liquor at wholesale. He shall not be entitled to sell and deliver liquor on the street or at the curb outside the licensed premises, nor shall he be entitled to sell liquor at a place other than the licensed premises. However, a liquor retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A liquor retailer shall not be entitled to sell and deliver liquor for carry out, or for at-home delivery, in a quantity that exceeds four (4) quarts at any one (1) time. **A liquor retailer that delivers liquor to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.**

(d) Notwithstanding IC 7.1-1-3-20, the licensed premises of the liquor retailer may include the liquor retailer parking lot or an area adjacent to the liquor retailer that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer, and may not be used for point of sale purposes or any other purpose. Any alcoholic beverages conveyed to the customer must be:

- (1) in the sealed original containers and placed in a bag that is stamped, printed, or labeled on the outside: "CONTAINS ALCOHOLIC BEVERAGES"; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
  - (A) in the trunk of the motor vehicle; or
  - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

A retailer permittee may only convey a customer's order of alcoholic beverages to the customer, if the customer has also purchased a meal from the retailer permittee that is conveyed to the customer at the same time as the alcoholic beverages.

(e) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(f) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the retailer premises.

SECTION 38. IC 7.1-3-9-12, AS AMENDED BY P.L.1-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to:

- (1) the holder of a three-way permit that is issued to a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(d)(2), or a convention center; or
- (2) the holder of a catering permit while catering alcoholic beverages at a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that

contains a premises that is described in IC 7.1-3-1-14(d)(2), or a convention center.

(b) As used in this section, "grab and go store" means an area in a building or facility referred to in subsection (a) that satisfies all of the following:

(1) The area customarily offers food, alcoholic beverages, nonalcoholic beverages, and other items for sale.

(2) The area is:

(A) within a tract that contains a premises that is described in IC 7.1-3-1-14(d)(2);

(B) in close proximity or adjacent to the concourse of or within the building or facility; or

(C) within a restricted access club area of or within the building or facility.

(3) The area is:

(A) delineated by nonpermanent stanchions or some other barrier providing for clear entrance and exit points; and

(B) indicated on the floor plan approved by the commission.

(4) The area is accessible only by persons who possess a ticket to an event held in the building or facility.

The term does not include a suite, restaurant, lounge, or concession area, even if access to the suite, restaurant, lounge, or concession area is limited to certain ticket holders. However, a grab and go store may operate within a restricted access club area that is in close proximity, adjacent to, or within a restaurant or lounge.

(b) (c) As used in this section, "suite" means an area in a building or facility referred to in subsection (a) that:

(1) is not accessible to the general public;

(2) has accommodations for not more than seventy-five (75) persons per suite; and

(3) is accessible only to persons who possess a ticket:

(A) to an event in a building or facility referred to in subsection (a); and

(B) that entitles the person to occupy the area while viewing the event described in clause (A).

The term does not include a restaurant, lounge, or concession area, even if access to the restaurant, lounge, or concession area is limited to certain ticket holders.

(c) (d) A permittee may allow the self-service of individual servings of alcoholic beverages in a suite **or grab and go store**.

(d) (e) A person who:

(1) possesses a ticket described in subsection (b) (3) (b) (4) or (c) (3); and

(2) is at least twenty-one (21) years of age;

may obtain an alcoholic beverage in a suite **or grab and go store** by self-service.

(e) (f) A permittee may do any of the following:

(1) Demand that a person occupying a suite provide:

(A) a written statement under IC 7.1-5-7-4; **and or**

(B) identification indicating that the person is at least twenty-one (21) years of age.

(2) Supervise the self-service of alcoholic beverages **in the suite**.

(3) Have an employee in the suite who **has a valid server certificate under IC 7.1-3-1.5** and holds an employee permit under IC 7.1-3-18-9 to serve **some or all** of the alcoholic beverages.

(g) **In a grab and go store, a permittee shall do the following:**

(1) **Require a purchaser to provide proof of age in accordance with IC 7.1-5-10-23.**

(2) **Ensure all employees are at least twenty-one (21) years of age.**

(3) **Have employees supervise the self-service of alcoholic beverages.**

(4) **Have an employee present during the store's**

**business hours who has a valid server certificate under IC 7.1-3-1.5 and holds an employee permit under IC 7.1-3-18-9 to sell alcoholic beverages to ensure compliance with this title, including compliance with IC 7.1-5-7-8 and IC 7.1-5-10-15.**

(5) **Sell a purchaser not more than two (2) servings of alcoholic beverages at one (1) time.**

SECTION 39. IC 7.1-3-9.5-3, AS AMENDED BY P.L.285-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The holder of a supplemental caterer's permit is entitled to purchase alcoholic beverages only from:

(1) a brewery as described in ~~IC 7.1-3-2-7(5)(L);~~ **IC 7.1-3-2-7(5)(N);**

(2) a farm winery as described in IC 7.1-3-12-5(a)(12); and

(3) any other permittee entitled to sell to the holder under this title.

Except as provided in IC 7.1-3-6.1, and IC 7.1-3-6.2, the holder of a supplemental caterer's permit is entitled to sell alcoholic beverages only for on-premises consumption at those locations approved by the commission and at times lawful under the holder's retailers' permits. Except as provided, IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a supplemental caterer's permit is not entitled to sell alcoholic beverages at wholesale, nor for carry-out or at-home delivery.

(b) If permitted by the state fair commission under IC 7.1-3-21-14, a brewery under IC 7.1-3-2-7(5), a farm winery under IC 7.1-3-12, or an artisan distillery under IC 7.1-3-27 may sell their own products to consumers for consumption off the state fair grounds under IC 7.1-3-21-14(b)(3), including at a location on the property of the state fair grounds for which a supplemental caterer's permit has been approved.

SECTION 40. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. **This delivery may only be performed by the permit holder or an employee who holds an employee permit.** However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. **This delivery may only be performed by the permit holder or an employee who holds an employee permit.** The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(d) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 41. IC 7.1-3-12-3, AS AMENDED BY P.L.165-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The commission may issue a farm winery permit to a person who:

(1) is the proprietor of a farm winery;

(2) desires to commercially manufacture wine; and

(3) is either:

(A) an individual; or

(B) a partnership, limited liability company, or corporation domiciled in or admitted to do business in

Indiana.

A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. ~~IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter.~~

SECTION 42. IC 7.1-3-12-5, AS AMENDED BY P.L.285-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The following apply to the holder of a farm winery permit:

- (1) A holder is entitled to manufacture wine and to **bottle place** wine produced by the permit holder's farm winery in **bottles or other permissible containers.**
- (2) A holder is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises, as approved by the commission if each employee who serves wine on the licensed premises:
  - (A) holds an employee's permit under IC 7.1-3-18-9; and
  - (B) completes a server training program approved by the commission.
- (3) A holder is entitled to sell the winery's wine on the licensed premises to consumers either by:
  - (A) the glass;
  - (B) the bottle;
  - (C) a box that contains a bag designed for storing and dispensing wine; ~~or~~
  - (D) any combination of receptacles listed in clauses (A) through (C); ~~or~~
  - (E) **any other container permissible under federal**

law.

**Notwithstanding IC 7.1-1-3-20, the licensed premises may include the farm winery parking lot or an area adjacent to the farm winery. The parking lot or an adjacent area may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer subject to section 5.5 of this chapter, and may not be used for point of sale purposes or any other purpose.**

- (4) A holder is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis.
- (5) A holder is entitled to sell wine by:
  - (A) the bottle;
  - (B) the can;**
  - ~~(C)~~ (C) a box that contains a bag designed for storing and dispensing wine;
  - ~~(D)~~ (D) bulk container;
  - ~~(E)~~ (E) the case; or
  - ~~(F)~~ (F) any combination of receptacles listed in clauses (A) through ~~(D)~~; **(E);**
 to a person who is the holder of a permit to sell wine at wholesale.
- (6) A holder is exempt from the provisions of IC 7.1-3-14.
- (7) A holder is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery.
- (8) A holder for wine described in IC 7.1-1-2-3(a)(4):
  - (A) may allow transportation to and consumption of the wine on the licensed premises; and
  - (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises.
- (9) A holder is entitled to purchase and sell bulk wine as set forth in this chapter.
- (10) A holder is entitled to sell wine as authorized by this section for carryout on Sunday.
- (11) A holder is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.
- (12) A holder is entitled to sell the farm winery's wine to the holder of a supplemental caterer's permit issued under

IC 7.1-3-9.5 for on-premises consumption only at an event that is held outdoors on property that is contiguous to the farm winery as approved by the commission.

(13) A holder is entitled to be the proprietor of a restaurant that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2 and the gross retail income requirements to sell carryout under IC 7.1-3-20-9.5. A holder is entitled to conduct the following activities:

- (A) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant.
- (B) Transfer wine directly from the farm winery to a restaurant that the farm winery has an interest in by means of:
  - (i) **bottles or cans;**
  - (ii) bulk containers; or
  - (iii) a continuous flow system.
- (C) Install a window between the farm winery and an adjacent restaurant that allows the public and the holder of the permit to view both premises.
- (D) Install a doorway or other opening between the farm winery and an adjacent restaurant that provides the public and the holder of the permit with access to both the farm winery and restaurant.

**(14) A holder that does not distribute through an Indiana wine wholesaler is entitled under the farm winery permit to sell and deliver to a person holding a wine retailer or wine dealer permit under this title a total of not more than three thousand (3,000) gallons of the farm winery's wine in a calendar year, if the farm winery has not sold in Indiana more than fifteen thousand (15,000) gallons the previous calendar year. A holder that sells and delivers under this subdivision shall comply with all provisions applicable to a wholesaler in 905 IAC 1-5.1, 905 IAC 1-5.2, 905 IAC 1-21, 905 IAC 1-31, and 905 IAC 1-32.1.**

**(15) A holder must annually submit to the commission copies of its Indiana and federal excise tax returns.**

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for ~~the~~ manufacturing **wine or bottling of placing wine in bottles or containers.**

**(c) A farm winery may transfer wine from a storage facility or an additional location described in subsection (b). A farm winery may sell or transfer wine directly to a wine wholesaler from a storage facility separate from the farm winery or an additional location described in subsection (b). A farm winery may not sell or transfer wine from a storage facility to any other permittee or a consumer. The farm winery shall maintain an adequate written record of wine transferred:**

- (1) between the farm winery and the storage facility; and**
- (2) from the storage facility to the wholesaler.**

~~(d)~~ **(d)** With the approval of the commission, a holder of a permit under this chapter may:

- (1) individually; or
- (2) with other permit holders under this chapter, holders of artisan distiller's permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this subdivision;

participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year.

SECTION 43. IC 7.1-3-12-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) This section applies to a farm winery that conveys alcoholic beverages to a customer in a parking lot or an area adjacent to the farm winery as provided under section 5 of this chapter.

(b) Wine must be:

- (1) in the sealed original containers; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
  - (A) in the trunk of the motor vehicle; or
  - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

(c) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the farm winery premises.

SECTION 44. IC 7.1-3-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house. **This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.**

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery. **A wine retailer that delivers wine to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.**

(d) Notwithstanding IC 7.1-3-20, the licensed premises of the wine retailer may include the wine retailer parking lot or an area adjacent to the wine retailer that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer, and may not be used for point of sale purposes or any other purpose. Any alcoholic beverages conveyed to the customer must be:

- (1) in the sealed original containers and placed in a bag that is stamped, printed, or labeled on the outside: "CONTAINS ALCOHOLIC BEVERAGES"; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
  - (A) in the trunk of the motor vehicle; or
  - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

A retailer permittee may only convey a customer's order of alcoholic beverages to the customer, if the customer has also purchased a meal from the retailer permittee that is conveyed to the customer at the same time as the alcoholic beverages.

(e) The employee of the permittee that conveys the alcoholic beverages to the customer must require the

customer to provide proof of age in accordance with IC 7.1-5-10-23.

(f) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the retailer premises.

SECTION 45. IC 7.1-3-16-6, AS AMENDED BY P.L.285-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The commission may issue a temporary wine permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in IC 7.1-3-4-2(a)(4), IC 7.1-3-4-2(a)(9), and IC 7.1-3-4-2(a)(14) ~~and the residency requirements provided in IC 7.1-3-21-3;~~ shall not apply to an applicant for a temporary wine permit.

SECTION 46. IC 7.1-3-20-29, AS ADDED BY P.L.285-2019, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) As used in this section, "food hall" means the premises:

- (1) located within a retail shopping and food service district; and
- (2) to which a master permit is issued under this section.

(b) As used in this section, "master permit" means a food hall master permit issued under this section.

(c) **Except as provided in subsection (d),** the commission may issue a master permit, which is a three-way retailer's permit for on premises consumption, to a food hall located in a retail shopping and food service district that meets the following requirements:

- (1) The district consists of an area that:
  - (A) has been redeveloped, renovated, or environmentally remediated in part with grants from the federal, state, or local government under IC 36-7-11; and
  - (B) is entirely located within an incorporated city or town.
- (2) The district consists of land and a building or group of buildings that are part of a common development.
- (3) The district is located within a locally designated historic district under IC 36-7-11 established by a city or town ordinance.
- (4) The district contains at least one (1) building that:
  - (A) is on the list of the National Register for Historic Places or qualifies as a historic building worthy of preservation under IC 36-7-11; and
  - (B) has been approved for present commercial use by the local historic preservation commission of the city or town.

(d) Subsection (c)(3) and (c)(4) does not apply to a food hall that:

- (1) is located within a certified technology park established under IC 36-7-32; and
- (2) operates within a previously vacant building that was, or within a complex of buildings that were:
  - (A) placed in service at least twenty-five (25) years prior to the redevelopment of the building or buildings; and
  - (B) owned by a unit of local government or a public charitable trust prior to redevelopment.

(~~+~~) (e) The commission may issue a master permit to the owner or developer of a food hall. The food hall constitutes a single permit premises that:

- (1) contains not less than seven (7) distinct, nonaffiliated retail food and beverage vendors, each of which may apply for a food hall vendor permit under section 30 of this chapter; and
- (2) has a seating capacity of the type traditionally designed

for food and drink for at least one hundred (100) people.

(f) An applicant for a master permit shall post notice and appear in front of the local board in which the permit premises is situated. The local board shall determine the eligibility of the applicant under this section and hear evidence in support of or against the master permit location. A master permit may not be transferred to a location outside the food hall permit premises. A permit that is inactive for more than six (6) months shall revert back to the commission or may be deposited with the commission under IC 7.1-3-1.1 with the commission's permission.

(g) A master permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

SECTION 47. IC 7.1-3-20-30, AS ADDED BY P.L.285-2019, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. (a) The definitions in section 29 of this chapter apply to this section.

(b) As used in this section, "vendor's permit" means a food hall vendor's permit issued to an individual vendor operating within the premises of a food hall for which a master permit is issued under section 29 of this chapter.

(c) The commission may issue a one-, two-, or three-way retailer's permit for on-premises consumption only to an applicant for a vendor's permit that has been approved by the commission to operate within a food hall. **However, a vendor to which section 31 of this chapter applies may also sell the alcoholic beverages set forth in section 31(c) of this chapter for off the premises consumption.** Each vendor that sells alcoholic beverages within the food hall must obtain a vendor's permit.

(d) Each vendor permittee must satisfy the following requirements:

(1) Each vendor permittee shall:

(A) maintain the vendor permittee's own retail merchant's certificate; and  
(B) be responsible for the payment of the vendor permittee's own state gross retail taxes under IC 6-2.5 and withholding taxes required to be remitted under IC 6-3-4.

(2) Each vendor permittee shall conform to all health and safety requirements of local and state agencies.

(3) Each vendor permittee shall comply with all requirements under IC 7.1-5-9-15.

(4) Each vendor permittee shall comply with IC 7.1-5-10-20 with regard to the vendor permittee's own food and beverage vending space. However, IC 7.1-5-10-20 does not prohibit a vendor permittee from establishing sale prices for drinks that are different from the sale prices for comparable drinks that are set by other vendor permittees.

(5) Each vendor permittee is not required to comply with section 9(b) of this chapter.

(6) Each vendor permittee is responsible to the commission for any and all violations of alcohol laws and rules associated with the vendor's permit.

(7) Each applicant for a vendor's permit must comply with 905 IAC 1-36-1 and 905 IAC 1-36-2 and appear before the local alcohol board in the county in which the food hall vendor's permit will be situated. The local board shall only hear evidence on and determine the vendor's permit applicant's eligibility to hold a vendor's permit.

(8) Any vendor permittee that desires to relocate its food and beverage space within the food hall premises may relocate upon the commission's approval of a floor plan change.

(e) A vendor's permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(f) A vendor's permit may not be transferred to a location

outside the permit premises of the food hall. A vendor's permit that is inactive for more than six (6) months shall revert back to the commission or may be deposited with the commission subject to the approval of the commission.

SECTION 48. IC 7.1-3-20-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. (a) **This section applies to the holder of a vendor's permit that owns in whole or in part:**

(1) a retailer's permit described in section 30(c) of this chapter; and

(2) one (1) of the following:

(A) A brewer's permit described in IC 7.1-3-2-7(5).

(B) A farm winery permit described in IC 7.1-3-12-3.

(C) An artisan distiller's permit described in IC 7.1-3-27.

(b) The definitions in sections 29 and 30 of this chapter apply to this section.

(c) A holder of a vendor's permit may sell for carryout at the premises for which the retailer's permit was issued:

(1) beer manufactured under the brewer's permit, if the vendor's permit holder has a one-, two-, or three-way retailer's permit;

(2) wine manufactured under the farm winery permit, if the vendor's permit holder has a two- or three-way retailer's permit; or

(3) liquor manufactured under the artisan distiller's permit, if the vendor's permit holder has a three-way retailer's permit.

SECTION 49. IC 7.1-3-21-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3. The commission shall not issue an alcoholic beverage retailer's or dealer's permit of any type to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

SECTION 50. IC 7.1-3-21-5, AS AMENDED BY P.L.214-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The commission shall not issue an alcoholic beverage retailer's permit of any type to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years:

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a corporation unless:

(1) sixty percent (60%) of the outstanding stock in the corporation is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

(2) the stock described in subdivision (1) constitutes a controlling interest in the corporation.

(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 51. IC 7.1-3-21-5.2, AS AMENDED BY P.L.214-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.2. (a) The commission shall not issue an alcoholic beverage retailer's permit of any type to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years:

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited partnership unless:

(1) at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and



(2) the partnership interest described in subdivision (1) constitutes a controlling interest in the limited partnership;

(e) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 52. IC 7.1-3-21-5.4, AS AMENDED BY P.L.44-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.4. (a) The commission shall not issue an alcoholic beverage retailer's permit of any type to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years:

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited liability company unless:

- (1) at least sixty percent (60%) of the outstanding membership interest in the limited liability company is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and
- (2) the membership interest described in subdivision (1) constitutes a controlling interest in the limited liability company.

(c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 53. IC 7.1-3-21-5.6 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 5.6: (a) Notwithstanding section 5, 5.2; or 5.4 of this chapter, the commission may renew or transfer ownership of a dealer's permit of any type for the holder of a dealer's permit who:

- (1) held the permit for the premises of a package liquor store before January 1, 2016; and
- (2) does not qualify for the permit under section 5(b); 5.2(b); or 5.4(b) of this chapter.

(b) The commission may transfer ownership of a dealer's permit under this section only to an applicant who satisfies the Indiana resident ownership requirements under this chapter.

SECTION 54. IC 7.1-3-21-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7: The provisions of section 5 of this chapter shall not apply to the common stock ownership of a corporation holding a restaurant permit and having less than sixty percent (60%) resident ownership prior to March 14, 1963.

SECTION 55. IC 7.1-3-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The commission shall not issue an alcoholic beverage permit of any type to a person unless that person has on file with the commission a verified list containing the name and address of each person who is, or will be, financially or beneficially interested or entity holding at least a two percent (2%) interest in the permit and the business conducted, or to be conducted, under it. If a publicly traded corporation has an interest, the list shall provide the name and address of only:

- (1) the chief executive officer;
- (2) the chief financial officer;
- (3) the chief operating officer; and
- (4) the members of the board of directors;

of the corporation. At all times, a change in the list shall be filed by the applicant or permittee with the commission within ten (10) days of the date when the change became effective. The lists, together with any changes, shall be kept on file in the office of the commission and they shall be open to public inspection.

SECTION 56. IC 7.1-3-21-11, AS AMENDED BY P.L.285-2019, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) As used in this section "craft manufacturer" means:

- (1) a small brewery under IC 7.1-3-2-7(5);
- (2) a farm winery under IC 7.1-3-12, including any additional locations of the farm winery operated under IC 7.1-3-12-5(b); or

(3) an artisan distillery under IC 7.1-3-27.

(a) (b) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) (c) Except as provided in subsections (e); (g); and (h); (d), (h), and (i), the commission may not issue a permit for a premises if:

(1) a wall of the premises is situated within two hundred (200) feet from a wall of a school or church; and

(2) if no a permit has not been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) (d) This section does not apply to the premises of a:

(1) grocery store, drug store, restaurant, hotel, catering hall, **craft manufacturer**, or location for which the use of a supplemental catering permit has been approved if:

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives a written statement from the authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; or

(2) church or school that applies for a temporary beer or wine permit.

(d) (e) The commission shall base its determination under subsection (c)(1)(C) solely on the written statement of the authorized representative of the church or school.

(e) (f) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, drug store, restaurant, hotel, catering hall, **craft manufacturer**, or location for which the use of a supplemental catering permit has been approved may not obtain the waiver allowed under this section.

(f) (g) If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, drug store, restaurant, hotel, **craft manufacturer**, or catering hall on a subsequent renewal or transfer of ownership.

(g) (h) If the commission:

(1) receives a written statement from the authorized representative of a church or school as described in subsection (c)(1)(B); (d)(1)(B); and

(2) determines the church or school does not object as described in subsection (c)(1)(C); (d)(1)(C);

the commission may not consider subsequent objections from the church or school to the issuance of the same permit type at the same premises location.

(h) (i) The commission may issue a permit for a premises if the wall of the premises and the wall of a church are separated by at least eighty-five (85) feet, including a two (2) lane road of at least thirty (30) feet in width.

SECTION 57. IC 7.1-3-23-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. The commission may revoke:

(1) a wholesaler's, retailer's, or dealer's permit of any type;

(2) the permit of a farm winery that sells and delivers under IC 7.1-3-12-5(a)(14); or

(3) the permit of an artisan distillery that sells and delivers under IC 7.1-3-27-8(a)(11);

after final judgment of conviction for an offense defined in this title. The commission may revoke the permit of a ~~wholesaler, retailer, or dealer~~ holder listed in subdivision (1) through (3) upon a second violation of a provision of this title whether a judgment of conviction ensues or not.

SECTION 58. IC 7.1-3-24-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. ~~Surviving Spouse or Heir~~. The surviving spouse or heir of a deceased permittee may be permitted to continue the business conducted

by the deceased permittee, without probate proceedings, if the consent of the department of local government finance is procured; and if both of the following occur:

(1) The court having probate jurisdiction ~~shall find~~ finds that the surviving spouse or heir of the deceased permittee possesses the qualifications required of an applicant for that particular type of permit.

(2) ~~A~~ The surviving spouse or heir who desires to carry on the business of the deceased permittee ~~as authorized by this section; must apply~~ applies for and ~~receive~~ receives the written consent of the chairman. A copy of the court's findings on the qualifications of the applicant must accompany the application for written consent.

SECTION 59. IC 7.1-3-27-8, AS AMENDED BY P.L.285-2019, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The holder of an artisan distiller's permit may do only the following:

(1) Manufacture liquor, including blending liquor purchased from another manufacturer with liquor the artisan distiller manufactures under section 11 of this chapter.

(2) Bottle liquor manufactured by the artisan distiller.

(3) ~~Insert liquor manufactured by the artisan distiller into a container.~~

~~(4)~~ (4) Store liquor manufactured by the artisan distiller, including at a facility ~~located~~ within ten (10) miles of the artisan distiller's distillery.

~~(5)~~ (5) Transport, sell, and deliver liquor manufactured by the artisan distiller to:

(A) places outside Indiana; or

(B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

~~(6)~~ (6) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, ~~container~~, or case from the ~~licensed~~ premises of the distillery where the liquor was manufactured. ~~Notwithstanding IC 7.1-1-3-20, the licensed premises may include the distillery parking lot or an area adjacent to the artisan distillery. The parking lot or adjacent area may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer subject to section 8.1 of this chapter and may not be used for point of sale purposes or any other purpose.~~

~~(7)~~ (7) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

~~(8)~~ (8) Sell liquor as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than four and five-tenths (4.5) liters.

~~(9)~~ (9) With the approval of the commission, participate:

(A) individually; or

(B) with other permit holders under this chapter, holders of farm winery permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this clause;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant to a holder of a permit under this chapter approval under this subdivision to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

~~(10)~~ (10) Be the proprietor of a restaurant that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2 and the gross retail income requirements to sell carryout under IC 7.1-3-20-9.5. A holder is entitled to conduct the following activities:

(A) Hold a beer retailer's permit, a wine retailer's

permit, or a liquor retailer's permit for a restaurant.

(B) Transfer liquor directly from the artisan distillery to a restaurant that the artisan distiller has an interest in by means of:

(i) bottles;

(ii) bulk containers; or

(iii) a continuous flow system.

(C) Install a window between the artisan distillery and an adjacent restaurant that allows the public and the holder of the permit to view both premises.

(D) Install a doorway or other opening between the artisan distillery and an adjacent restaurant that provides the public and the holder of the permit with access to both the artisan distillery and restaurant.

(11) A holder that does not distribute through an Indiana liquor wholesaler is entitled under the artisan distiller's permit to sell and deliver to a person holding a liquor retailer or liquor dealer permit under this title a total of not more than one thousand (1,000) gallons of the artisan distillery's liquor in a calendar year, if the artisan distiller has not sold in Indiana more than nine thousand (9,000) gallons the previous calendar year. A holder that sells and delivers under this subdivision shall comply with all provisions applicable to a wholesaler in 905 IAC 1-5.1, 905 IAC 1-5.2, 905 IAC 1-21, 905 IAC 1-31, and 905 IAC 1-32.1.

(12) A holder must annually submit to the commission copies of its Indiana and federal excise tax returns.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) A storage facility used by an artisan distiller under subsection ~~(a)(3)~~ ~~(4)~~ (a)(4) must conform with federal laws, rules, and regulations. ~~and (2) must not be used for any purposes except for the storage of liquor. An artisan distiller may transfer liquor from a separate storage facility back to the artisan distillery. An artisan distiller may sell or transfer liquor directly to a liquor wholesaler from a storage facility that is separate from the artisan distillery. An artisan distiller may not sell or transfer liquor from a storage facility to any other permittee or a consumer. The artisan distiller shall maintain an adequate written record of the liquor transferred:~~

(1) between the artisan distillery and the storage facility; and

(2) from the storage facility to the liquor wholesaler.

(d) The holder of an artisan distiller's permit may transport liquor to and from a brewery located within the same county for the purposes of carbonating and canning by the brewery. The activity under this subsection is not an interest under IC 7.1-5-9.

(e) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 60. IC 7.1-3-27-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) This section applies to an artisan distillery that conveys alcoholic beverages to a customer in a parking lot or an area adjacent to the artisan distillery as provided under section 8(a)(6) of this chapter.

(b) Liquor must be:

(1) in the sealed original containers; and

(2) placed by an employee of the permittee who is at least twenty-one (21) years of age:

(A) in the trunk of the motor vehicle; or

(B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

(c) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the artisan distillery premises.

SECTION 61. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 28. Rye Whiskey**

**Sec. 1.** As used in this chapter, "Indiana rye whiskey" means a liquor that was:

- (1) manufactured in Indiana;
- (2) produced with a mash bill that is at least fifty-one percent (51%) rye;
- (3) distilled to not more than one hundred sixty (160) proof or eighty percent (80%) alcohol by volume;
- (4) aged in new, charred white oak barrels;
- (5) placed in a barrel at not more than one hundred twenty-five (125) proof or sixty-two and one-half percent (62 1/2%) alcohol by volume;
- (6) rested in a rack house for at least two (2) years in Indiana; and
- (7) bottled at not less than eighty (80) proof or forty percent (40%) alcohol by volume.

**Sec. 2.** A person may not advertise, label, sell, or refer for marketing or sales purposes to liquor as:

- (1) Indiana rye;
- (2) Indiana rye whiskey;
- (3) Indiana rye whisky;
- (4) Indiana sweet mash rye whiskey;
- (5) Indiana sweet mash rye whisky;
- (6) Indiana sour mash rye whiskey; or
- (7) Indiana sour mash rye whisky;

unless the liquor meets the requirements of Indiana rye whiskey as set forth in section 1 of this chapter.

SECTION 62. IC 7.1-4-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) All sales of alcoholic beverages made by a primary source of supply to a liquor wholesaler shall at the time of the sale be accompanied by an invoice that must show the following:

- (1) The name and address of the seller and the purchaser.
- (2) The date of disposition.
- (3) The name or names of each brand sold.
- (4) The number of packages, if any.
- (5) The number of cases by size of bottle or container.
- (6) The quantity of each kind of alcoholic beverage sold.

(b) The primary source of supply shall send a copy of the invoice to the department of revenue and the commission at the time of the sale.

SECTION 63. IC 7.1-4-9-7, AS AMENDED BY P.L.224-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Thirty-three percent (33%) of the money in the excise fund shall, upon warrant of the state auditor, be paid into the general fund of the treasury of the city or town in which the retailer's or dealer's licensed premises are located. The money shall be paid to the treasurer of the county in which the retailer's or dealer's premises are located if they are located outside the corporate limits of a city or town.

(b) Not later than ten (10) days after:

- (1) an annexation ordinance is filed under IC 36-4-3-22; or
- (2) the second of the two (2) approvals of an annexation is filed under IC 36-3-2-7;

the annexing municipality shall provide notice to the chairman of the commission of any retailer's or dealer's premises located within the annexed territory. The notice shall be in writing, sent by certified mail, and must include the effective date of the annexation and the business name and street address of the retailer's or dealer's premises.

(c) The distribution from the excise fund shall continue to be paid to the jurisdiction on record with the commission, until the chairman of the commission receives the notice under this section that the retailer's or dealer's premises have been annexed into the city or town. An annexing city or town:

- (1) shall be paid distributions that accrue after the date the chairman receives notice; and
- (2) is not entitled to retroactive payment of any distributions accruing before the date the chairman receives notice.

SECTION 64. IC 7.1-5-1-1, AS AMENDED BY P.L.32-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) It is unlawful for a person to manufacture for sale, bottle, insert into a container, sell, barter, import, transport, deliver, furnish, or possess, alcohol or alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, for commercial purposes except as authorized in this title.

(b) A person who knowingly or intentionally violates this section commits a Class C infraction. However, the violation is a Class B misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years.

SECTION 65. IC 7.1-5-10-12, AS AMENDED BY P.L.156-2020, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) Except as provided in subsections (b) through (d) and subsection (g), it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, a farm winery, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the:

- (1) wholesaler;
- (2) farm winery that sells and delivers under IC 7.1-3-12-5(a)(14); or
- (3) artisan distillery that sells and delivers under IC 7.1-3-27-8(a)(11);

shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(f) Nothing in this section may be construed to prohibit a hotel, restaurant, caterer, or a club that is not open to the general public from extending credit to a consumer purchasing alcohol for personal use at any time.

(g) Nothing in this section may be construed to prohibit a retailer or dealer from accepting a:

- (1) credit card;
- (2) debit card;
- (3) charge card; or
- (4) stored value card;

from a consumer purchasing alcohol for personal use.

SECTION 66. IC 36-3-2-7, AS AMENDED BY P.L.113-2010, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section governs the transfer of territory that is either:

- (1) inside the corporate boundaries of the consolidated city and contiguous to an excluded city; or
- (2) inside the corporate boundaries of an excluded city and contiguous to the consolidated city.

IC 36-4-3 does not apply to such a transfer.

(b) If the owners of land located in territory described in subsection (a) want to have that territory transferred from one (1) municipality to the other, they must file:

- (1) a petition for annexation of that territory with the legislative body of the contiguous municipality; and
- (2) a petition for disannexation of that territory with the legislative body of the municipality containing that territory.

Each petition must be signed by at least fifty-one percent (51%) of the owners of land in the territory sought to be transferred. The territory must be reasonably compact in configuration, and its boundaries must generally follow streets or natural boundaries.

(c) Each legislative body shall, not later than sixty (60) days after a petition is filed with it under subsection (b), either approve or disapprove the petition, with the following results:

- (1) Except as provided in subsection ~~(g)~~; **(h)**, if both legislative bodies approve, the transfer of territory takes effect:

- (A) on the effective date of the approval of the latter legislative body to act; and
- (B) when a copy of each transfer approval has been filed under subsection (f).

- (2) If the legislative body of the contiguous municipality disapproves or fails to act within the prescribed period, the proceedings are terminated.

- (3) If the legislative body of the contiguous municipality approves but the legislative body of the other municipality disapproves or fails to act within the prescribed period, the proceedings are terminated unless there is an appeal under subsection (d).

(d) In the case described by subsection (c)(3), the petitioners may, not later than sixty (60) days after the disapproval or expiration of the prescribed period, appeal to the circuit court. The appeal must allege that the benefits to be derived by the petitioners from the transfer outweigh the detriments to the municipality that has failed to approve, which is defendant in the appeal.

(e) The court shall try an appeal under subsection (d) as other civil actions, but without a jury. If the court determines that:

- (1) the requirements of this section have been met; and
- (2) the benefits to be derived by the petitioners outweigh the detriments to the municipality;

it shall order the transfer of territory to take effect on the date its order becomes final, subject to subsection ~~(g)~~; **(h)**, and shall file the order under subsection (f). However, if the municipality, or a district of it, is furnishing sanitary sewer service or municipal water service in the territory, or otherwise has expended substantial sums for public facilities (other than roads) specially benefiting the territory, the court shall deny the transfer.

(f) A municipal legislative body that approves a transfer of territory under subsection (c) or a court that approves a transfer under subsection (e) shall file a copy of the approval or order, setting forth a legal description of the territory to be transferred, with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of each county in which the municipality is located.

**(g) Not later than ten (10) days after the second of the two (2) approvals is filed under subsection (f), the municipality that annexes the territory shall provide notice to the chairman of the alcohol and tobacco commission as set forth in IC 7.1-4-9-7 of any retailer's or dealer's premises located within the annexed territory.**

~~(g)~~ **(h)** A transfer of territory under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A transfer of territory that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

~~(h)~~ **(i)** A petition for annexation or disannexation under this section may not be filed with respect to land as to which a transfer of territory has been disapproved or denied within the preceding three (3) years.

~~(i)~~ **(j)** The legislative body of a municipality annexing territory under this section shall assign the territory to at least one (1) municipal legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than thirty (30) days after the transfer of territory becomes effective under this section.

~~(j)~~ **(k)** Notwithstanding subsection ~~(g)~~; **(h)** as that subsection existed on December 31, 2009, a transfer of territory that took effect January 2, 2010, because of the application of subsection ~~(g)~~; **(h)**, as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 67. IC 36-4-3-22.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22.1. Not later than ten (10) days after an annexation ordinance is filed under section 22 of this chapter, the annexing municipality shall provide notice to the chairman of the alcohol and tobacco commission in accordance with IC 7.1-4-9-7 of any licensed premises located within the annexed territory.**

SECTION 68. **An emergency is declared for this act.**

(Reference is to EHB 1396 as reprinted April 13, 2021.)

SMALTZ	ALTING
MOED	MESSMER
House Conferees	Senate Conferees

#### HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the conference committee on Engrossed House Bill 1396. Pursuant to House Rule 46, the reason for the request is the following:

I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on my personal or pecuniary interest in a business for which I have partial ownership.

LEHE

Motion prevailed.

Roll Call 481: yeas 83, nays 6. Report adopted.

Representative Jackson, who had been excused, is now present.

Representatives Morris and Morrison, who had been present, are now excused.

#### CONFERENCE COMMITTEE REPORT ESB 185-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 185 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2021] (a) Before December 1, 2021, the state department of health, state board of animal health, and state department of agriculture shall, in consultation with industry groups and food safety experts, submit recommendations concerning home based vendors to the general assembly in an electronic format under IC 5-14-6.

(b) This SECTION expires July 1, 2022.

(Reference is to ESB 185 as printed March 9, 2021.)

G. WALKER	LEHE
LANANE	M. BAUER
Senate Conferees	House Conferees

Roll Call 482: yeas 89, nays 0. Report adopted.

Representatives Jordan, Lehman and Lindauer, who had been present, are now excused.

#### CONFERENCE COMMITTEE REPORT ESB 325-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 325 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-92.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 92.3. (a) "De-identified maximum negotiated charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(a).

(b) "De-identified minimum negotiated charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(b).

SECTION 2. IC 16-18-2-96.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 96.1. "Discounted cash price", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(c).

SECTION 3. IC 16-18-2-153.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 153.8. "Gross charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(d).

SECTION 4. IC 16-18-2-194.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 194.7. "Item or service", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(e).

SECTION 5. IC 16-18-2-272.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 272.5. "Payer-specific negotiated charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(f).

SECTION 6. IC 16-18-2-337.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 337.5. "Standard charge", for purposes of IC 16-21-17 and IC 16-24.5-1, has the meaning set forth in IC 16-21-17-0.3(g).

SECTION 7. IC 16-18-2-375.5 IS REPEALED [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]. Sec. 375.5. "Weighted average negotiated charge", for purposes of IC 16-21-17 and IC 16-21-24.5, has the meaning set forth in IC 16-21-17-0.5.

SECTION 8. IC 16-21-9-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) This section does not apply to the following:

(1) A nonprofit critical access hospital that is not:

(A) part of a hospital system; or

(B) an affiliate of a hospital or hospital system.

(2) A county hospital that is established and operated under IC 16-22.

(b) Before December 31 of each year, a nonprofit hospital shall hold a public forum in which the nonprofit hospital, including the nonprofit hospital's board of directors, shall:

(1) obtain feedback from the community about the nonprofit hospital's performance in the previous year;

(2) discuss the pricing of health services provided at the nonprofit hospital; and

(3) discuss the contributions made by the nonprofit hospital to the community, including uncompensated care, charitable contributions, and any other charitable assistance programs.

(c) At least fourteen (14) days before the forum held under subsection (b), the nonprofit hospital shall post on the nonprofit hospital's Internet web site the following:

(1) A printed notice that:

(A) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site;

(B) states the date, time, and location of the public forum to be held under subsection (b); and

(C) states that the purpose of the public forum is to provide members of the community with an opportunity to:

(i) comment on the nonprofit hospital's performance in the previous year;

(ii) discuss the pricing of health services provided at the nonprofit hospital; and

(iii) discuss the contributions made by the hospital to the community, including uncompensated care, charitable contributions, and any other charitable assistance programs.

(2) The following information relating to the subjects to be discussed at the public forum held under subsection (b):

(A) The nonprofit hospital's Indiana specific income statement for the previous calendar year that is prepared according to generally accepted accounting principles.

(B) Information concerning:

(i) the nonprofit hospital's pricing of health services in comparison to the amounts of reimbursement for the health services under the Medicare program;

(ii) the rationale for any pricing of health services by the nonprofit hospital that is higher than the corresponding reimbursement for the health services under the Medicare program; and

(iii) any increase in the nonprofit hospital's pricing of health services that occurred in the previous year.

(d) The public forum requirement under this section may be held, either all or in part, through an interactive real time audio and video meeting that is accessible to the community through the Internet.

SECTION 9. IC 16-21-17-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 0.3. (a) As used in this chapter, "de-identified maximum negotiated charge" means the highest charge that an ambulatory outpatient surgical center has negotiated with any third party payer for an item or service.

(b) As used in this chapter, "de-identified minimum negotiated charge" means the lowest charge that an ambulatory outpatient surgical center has negotiated with any third party payer for an item or service.

(c) As used in this chapter, "discounted cash price" means the charge that applies to an individual who pays cash or the cash equivalent for an ambulatory outpatient surgical center item or service.

(d) As used in this chapter, "gross charge" means the charge for an individual item or service that is reflected on an ambulatory outpatient surgical center's chargemaster, absent any discounts.

(e) As used in this chapter, "item or service" means any item or service, including service packages, that could be provided by an ambulatory outpatient surgical center to a patient for which the ambulatory outpatient surgical center has established a standard charge. The term includes the following:

- (1) Supplies.
- (2) Procedures.
- (3) Use of the facility and other facility fees.
- (4) Services of employed physicians and non-physician practitioners, including professional charges.
- (5) Anything that an ambulatory outpatient surgical center has established as a standard charge.

(f) As used in this chapter, "payer-specific negotiated charge" means the charge that an ambulatory outpatient surgical center has negotiated with a third party payer for an item or service.

(g) As used in this chapter, "standard charge" means the regular rate established by the ambulatory outpatient surgical center for an item or service provided to a specific group of paying patients. The term includes the following:

- (1) Gross charge.
- (2) Payer-specific negotiated charge.
- (3) De-identified minimum negotiated charge.
- (4) De-identified maximum negotiated charge.
- (5) Discounted cash price.

SECTION 10. IC 16-21-17-0.5 IS REPEALED [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 0.5. As used in this chapter, "weighted average negotiated charge" means the amount determined in STEP SIX of the following formula with respect to a particular procedure:

STEP ONE: For each insurer with whom the hospital or an ambulatory outpatient surgical center negotiates a charge for a particular procedure, determine the percentage of the hospital's patients or the ambulatory outpatient surgical center's patients insured by the insurer in the previous calendar year rounded to a whole percentage.

STEP TWO: Multiply each percentage determined under STEP ONE by one hundred (100) and express the results as whole numbers so that the sum of the percentage points determined under STEP ONE is one hundred (100).

STEP THREE: For a particular procedure, determine the amount of the negotiated charge for the procedure for each insurer described in STEP ONE.

STEP FOUR: For each insurer described in STEP ONE, multiply the STEP THREE amount determined for a particular procedure by the result determined under STEP TWO for that insurer.

STEP FIVE: For a particular procedure, determine the sum of the amounts determined under STEP FOUR for all of the insurers described in STEP ONE with respect to that procedure.

STEP SIX: For a particular procedure, determine the quotient of:

- (A) the sum determined under STEP FIVE for that procedure; divided by
- (B) one hundred (100).

SECTION 11. IC 16-21-17-1, AS AMENDED BY P.L.93-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 1. (a) Not later than ~~March 31, 2021~~, **December 31, 2021**, an ambulatory outpatient surgical center shall post on the Internet web site of the ~~hospital~~ or ambulatory outpatient surgical center pricing and other information specified in this chapter for the following:

(1) For as many of the seventy (70) shoppable services specified in the final rule of the Centers for Medicare and Medicaid Services published in 84 FR 65524 that are provided by the ~~hospital~~ or ambulatory outpatient surgical center.

(2) In addition to the services specified in subdivision (1):  
(A) the thirty (30) most common services that are provided by the ~~hospital~~ or ambulatory outpatient surgical center not included in subdivision (1); or  
(B) if the ambulatory outpatient surgical center offers less than thirty (30) services not included under subdivision (1), all of the services provided by the ambulatory outpatient surgical center.

(b) The following information, to the extent applicable, must be included on the Internet web site by a ~~hospital~~ and an ambulatory outpatient surgical center for the shoppable and common services described in subsection (a):

(1) A description of the shoppable and common service.  
(2) The ~~weighted average negotiated standard~~ charge per item or service per provider type for each of the following categories:

- (A) Any nongovernment sponsored health benefit plan or insurance plan provided by a health carrier in which the provider is in the network.
- (B) Medicare, including fee for service and Medicare Advantage.
- (C) Self-pay without charitable assistance from the ~~hospital~~ or ambulatory outpatient surgical center.
- (D) Self-pay with charitable assistance from the ~~hospital~~ or ambulatory outpatient surgical center.
- (E) Medicaid, including fee for service and risk based managed care.

(c) If:

- (1) the federal Hospital Price Transparency Rule is repealed; or
- (2) federal enforcement of the federal Hospital Price Transparency Rule is stopped;

the state health commissioner shall notify the legislative council of the occurrence referred to in subdivision (1) or (2) in an electronic format under IC 5-14-6.

(d) This subsection takes effect when the legislative council receives a notification from the state health commissioner under subsection (c). A hospital shall post pricing information in compliance with the federal Hospital Price Transparency Rule of the federal Centers for Medicare and Medicaid Services as published at 84 FR 65524 and in effect on January 1, 2021.

SECTION 12. IC 16-21-17-2, AS ADDED BY P.L.50-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 2. (a) The information displayed on the Internet web site must be in an easy to read, understandable format, and include the ~~negotiated charge standard charges~~ as described in section 1 of this chapter for each service. ~~by provider type~~.

(b) ~~A hospital and~~ An ambulatory outpatient surgical center shall update the information on the Internet web site on an annual basis.

SECTION 13. IC 16-24.5-1-2, AS AMENDED BY P.L.93-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 2. (a) Not later than March 31, 2021, an urgent care facility shall post on the Internet web site of the urgent care facility pricing and other information specified in this chapter for the fifteen (15) most common services that are provided by the urgent care facility.

(b) The following information, to the extent applicable, must be included on the Internet web site by an urgent care facility for the fifteen (15) most common services described in subsection (a):

- (1) The number of times each service is provided by the urgent care facility.
- (2) A description of the service.
- (3) The ~~weighted average negotiated standard~~ charge per item or service per provider type for each of the following categories:
  - (A) Any nongovernment sponsored health benefit plan or insurance provided by a health carrier in which the provider is in the network.
  - (B) Medicare, including fee for service and Medicare Advantage.
  - (C) Self-pay without charitable assistance from the urgent care facility.
  - (D) Self-pay with charitable assistance from the urgent care facility.
  - (E) Medicaid, including fee for service and risk based managed care.

SECTION 14. IC 16-24.5-1-3, AS ADDED BY P.L.50-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 3. (a) The information displayed on the Internet web site must be in an easy to read, understandable format, and include the ~~negotiated charge standard charges~~ as described in section 2 of this chapter for each service. ~~by provider type.~~

(b) An urgent care facility shall update the information on the Internet web site on an annual basis.

SECTION 15. IC 27-2-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

#### **Chapter 26. Public Forums by Health Carriers**

**Sec. 1. As used in this chapter, "health carrier" means the following entities:**

- (1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).
- (2) A health maintenance organization, as defined in IC 27-13-1-19.
- (3) A state employee health plan offered under IC 5-10-8.
- (4) A short term insurance plan (as defined by IC 27-8-5.9-3).

**Sec. 2. (a) Before December 31 of each year, a health carrier shall hold a public forum in which the health carrier shall:**

- (1) obtain feedback from the community about the health carrier's performance in the previous year; and
- (2) discuss the premiums (as defined in IC 27-1-2-3(w)) charged by the health carrier.

**(b) The public forum required under subsection (a) may be held, either all or in part, through an interactive real time audio and video meeting that is accessible to the community through the Internet.**

**Sec. 3. At least fourteen (14) days before the public forum required by this chapter is held, the health carrier shall post on the health carrier's Internet web site the following:**

- (1) A printed notice that:

**(A) is designed, lettered, and featured on the Internet web site in a manner that is conspicuous to and readable by any individual with normal vision who visits the Internet web site;**

**(B) states the date, time, and location of the public forum; and**

**(C) states that the purpose of the public forum is to provide members of the community with an opportunity to:**

**(i) comment on the health carrier's performance in the previous year; and**

**(ii) discuss the premiums (as defined in IC 27-1-2-3(w)) charged by the health carrier.**

**(2) The following information concerning the subjects to be discussed at the public forum:**

**(A) The health carrier's Indiana based profits, if the health carrier is publicly traded.**

**(B) The premiums (as defined in IC 27-1-2-3(w)) charged by the health carrier.**

**(C) The health carrier's strategy to lower health care costs.**

**(D) Any increase in the health carrier's premiums, on average statewide, that occurred in the previous year for each health carrier.**

**(E) Annual audited financial reports, if required under IC 27-1-3.5-6 and if the health carrier is publicly traded.**

**SECTION 16. An emergency is declared for this act.**

(Reference is to ESB 325 as reprinted April 13, 2021.)

BUSCH

YODER

Senate Conferees

MANNING

HATFIELD

House Conferees

Roll Call 483: yeas 86, nays 0. Report adopted.

Representatives Jordan, Lehman, Lindauer, Morris and Morrison, who had been excused, are now present.

#### **CONFERENCE COMMITTEE REPORT**

##### **ESB 348-1**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 348 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 11, delete "sixteen (16)" and insert "**eighteen (18)**".

Page 1, line 13, delete "Five (5)" and insert "**Six (6)**".

Page 1, line 14, delete "Three (3)" and insert "**Four (4)**".

Page 2, line 3, delete "Five (5)" and insert "**Six (6)**".

Page 2, line 5, delete "Three (3)" and insert "**Four (4)**".

(Reference is to ESB 348 as reprinted April 7, 2021.)

KOCH

YODER

Senate Conferees

SOLIDAY

HAMILTON

House Conferees

Roll Call 484: yeas 82, nays 9. Report adopted.

#### **CONFEREES AND ADVISORS APPOINTED**

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

HB 1166      Conferees: Representative Heine replacing Representative Pryor

Advisors: Remove Representative Heine



HB 1191 Conferees: Representative Lindauer replacing Representative Johnson  
 Advisors: Remove Representative Lindauer  
 SB 55 Conferees: Representative Thompson replacing Representative V. Smith  
 Advisors: Remove Representative Thompson

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:05 p.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 485: 85 present. The Speaker declared a quorum present.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1101

Engrossed Senate Bills 310 and 188.

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1101

Engrossed Senate Bills 310 and 188.

LEONARD, Chair

Motion prevailed.

Representatives Baird, Bartels, Behning, Eberhart, Gore, Hatcher, Johnson, Lucas, McNamara, Morris, Porter, Pressel, Teshka and VanNatter, who had been present, are now excused.

Representatives Hatfield, V. Smith, Shackelford, Moed and Jeter, who had been excused, are now present.

### CONFERENCE COMMITTEE REPORT

EHB 1101-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1101 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, line 8, before "10-14-3-29;" insert "IC".

Page 3, delete lines 9 through 11, begin a new line

triple block indented and insert:

**"(ii) participating in a learning recovery program that administers an assessment to measure student learning loss and provides Indiana academic standards aligned instruction."**

(Reference is to EHB 1101 as reprinted March 23, 2021.)

DEVON	HOUCHIN
JACKSON	J.D.FORD
House Conferees	Senate Conferees

Roll Call 486: yeas 82, nays 0. Report adopted.

Representatives Baird, Gore, Johnson, McNamara, Pressel, Teshka and Summers, who had been excused, are now present.

### CONFERENCE COMMITTEE REPORT

ESB 188-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 188 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-6-3-3, AS AMENDED BY P.L.137-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. If the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation conducted to determine if a person is or has been engaged in a violation of IC 4-6-9, IC 4-6-10, IC 13-14-10, IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5, IC 13-30-8, IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7, IC 24-5-8, IC 24-9, IC 25-1-7, ~~IC 32-34-1~~, **IC 32-34-1.5**, or any other statute enforced by the attorney general or is or has been engaged in a criminal violation of IC 13, only the attorney general may issue in writing, and cause to be served upon the person or the person's representative or agent, an investigative demand that requires that the person served do any combination of the following:

- (1) Produce the documentary material for inspection and copying or reproduction.
- (2) Answer under oath and in writing written interrogatories.
- (3) Appear and testify under oath before the attorney general or the attorney general's duly authorized representative.

SECTION 2. IC 4-12-16-3, AS AMENDED BY P.L.201-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The fund consists of:

- (1) except as provided in subsections (b) and (c), all funds received by the state under:

(A) multistate and Indiana specific settlements;

(B) assurances of voluntary compliance accepted by the attorney general; and

(C) any other form of agreement that:

- (i) is enforceable by a court; and
- (ii) settles litigation between the state and another party; and

- (2) all money recovered as court costs or costs

related to litigation.

(b) Any amount of restitution that is:

- (1) awarded to an individual or institution under a settlement or assurance of voluntary compliance;
- (2) unclaimed by an individual or institution;
- (3) received by a state agency; and
- (4) determined to be abandoned property under ~~IC 32-34-1~~; **IC 32-34-1.5**;

must be deposited in the abandoned property fund ~~established by IC 32-34-1-33~~; **under IC 32-34-1.5-42**.

(c) The fund does not include the following:

- (1) Funds received by the state department of revenue.
- (2) Funds required to be deposited in the securities division enforcement account (IC 23-19-6-1).
- (3) Funds received as the result of a civil forfeiture under IC 34-24-1.
- (4) Funds received as a civil penalty or as part of an enforcement or collection action by an agency authorized to impose a civil penalty or engage in an enforcement or collection action, if the funds are required to be deposited in the general fund or another fund by statute.
- (5) Funds recovered by the Medicaid fraud control unit in actions to recover money inappropriately paid out of or obtained from the state Medicaid program.
- (6) Amounts required to be paid as consumer restitution or refunds in settlements specified in this chapter.
- (7) Amounts received under the Master Settlement Agreement (as defined in IC 24-3-3-6).

SECTION 3. IC 5-11-10.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section applies to a warrant or a check drawn from the public funds of a political subdivision, if the check or warrant is outstanding and unpaid, but is not determined to be unclaimed property under ~~IC 32-34-1~~; **IC 32-34-1.5**.

(b) An agreement for which the primary purpose is to pay compensation to locate, deliver, recover, or assist in the recovery of a check or warrant described in subsection (a) is valid only if:

- (1) the fee or compensation agreed upon is not more than ten percent (10%) of the amount collected unless the amount collected is fifty dollars (\$50) or less;
- (2) the agreement is in writing;
- (3) the agreement is signed by the apparent owner; and
- (4) the agreement clearly sets forth:
  - (A) the nature and value of the property; and
  - (B) the value of the apparent owner's share after the fee or compensation has been deducted.

(c) This section does not prevent an owner from asserting at any time that an agreement to locate property is otherwise invalid.

SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.64-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted

by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

- (A) concerning any negotiations made with respect to the research; and
- (B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

- (A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).
- (B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

- (A) The identity of any individual who makes a call to the fraud hotline.
- (B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments may share investigatory records with a:

- (A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and
- (B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

- (A) a public agency;
- (B) the state; or
- (C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

- (A) Records relating to negotiations between:
  - (i) the Indiana economic development corporation;
  - (ii) the ports of Indiana;
  - (iii) the Indiana state department of agriculture;
  - (iv) the Indiana finance authority;
  - (v) an economic development commission;
  - (vi) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
  - (vii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the

terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff

meetings.

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

- (A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or
- (B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

- (A) which can be used to identify any library patron; or
- (B) deposited with or acquired by a library upon a condition that the records be disclosed only:
  - (i) to qualified researchers;
  - (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
  - (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

- (A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism

under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:

- (i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
- (ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and

not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

- (i) emergency management worker (as defined in IC 10-14-3-3);
- (ii) public safety officer (as defined in IC 35-47-4.5-3);
- (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
- (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, an agent, or a relative of an offender that:

- (A) contain personal information relating to:
  - (i) a correctional officer (as defined in IC 5-10-10-1.5);
  - (ii) a probation officer;
  - (iii) a community corrections officer;
  - (iv) a law enforcement officer (as defined in IC 35-31.5-2-185);
  - (v) a judge (as defined in

IC 33-38-12-3);

- (vi) the victim of a crime; or
- (vii) a family member of a correctional officer, probation officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

- (A) Name.
- (B) Address.
- (C) Telephone number.
- (D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under ~~IC 32-34-1-26~~ **IC 32-34-1.5-18** or in a claim for unclaimed property under ~~IC 32-34-1-36~~ **IC 32-34-1.5-48**:

- (A) Date of birth.
- (B) Driver's license number.
- (C) Taxpayer identification number.
- (D) Employer identification number.
- (E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 5. IC 5-22-21-1, AS AMENDED BY P.L.182-2009(ss), SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter applies only to personal property owned by a governmental body that is a state agency.

(b) This chapter does not apply to the following:

(1) The sale of timber by the department of natural resources under IC 14-23-4.

(2) The satisfaction of a lien or judgment by a state agency under court proceedings.

(3) The disposition of unclaimed property under ~~IC 32-34-1-4~~ **IC 32-34-1.5**.

(4) The sale or harvesting of vegetation (as defined in IC 8-23-24.5-3) under IC 8-23-24.5.

(5) The sale or harvesting of vegetation (as defined in IC 4-20.5-22-4) under IC 4-20.5-22.

SECTION 6. IC 6-8.1-8-15, AS ADDED BY P.L.111-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) As used in this section, "apparent owner" has the meaning set forth in ~~IC 32-34-1-4~~ **IC 32-34-1.5-3(1)**.

(b) As used in this section, "unclaimed property" ~~has the meaning set forth in IC 32-34-1-21~~ **means property presumed abandoned under IC 32-34-1.5**.

(c) If an apparent owner of unclaimed property is subject to a tax warrant issued under IC 6-8.1-8-2, the department may levy on the unclaimed property by filing a claim with the attorney general in accordance with the procedures described in ~~IC 32-34-1-36~~ **IC 32-34-1.5-48**.

SECTION 7. IC 10-11-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (c), if:

(1) the money, goods, or other property remains unclaimed in the possession or control of the employee to whom it was delivered for six (6) months; and

(2) the location of the owner is unknown;

the goods or other property shall be sold at public auction.

(b) Notice of the sale must be published one (1) time each week for two (2) consecutive weeks in a newspaper of general circulation printed in the community in which the sale is to be held. The notice must include the following information:

(1) The time and place of the sale.

(2) A description of the property to be sold.

(c) Any property that:

(1) is perishable;

(2) will deteriorate greatly in value by keeping; or

(3) the expense of keeping will be likely to exceed the value of the property;

may be sold at public auction in accordance with the rules or orders of the superintendent. If the nature of the property requires an immediate sale, the superintendent may waive the six (6) month period of custody and the notice of sale provided in this section.

(d) The proceeds of a sale, after deducting all reasonable charges and expenses incurred in relation to the property, and all money shall be presumed abandoned and shall be delivered to the attorney general for deposit into the abandoned property fund for disposition as provided by ~~IC 32-34-1-33~~ **IC 32-34-1.5-42** and ~~IC 32-34-1-34~~ **IC 32-34-1.5-44**.

SECTION 8. IC 23-1-45-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A corporation's board of directors may propose dissolution for submission to the shareholders.

(b) For a proposal to dissolve to be adopted:

(1) the board of directors must recommend dissolution to the shareholders unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders; and

(2) the shareholders entitled to vote must approve the proposal to dissolve as provided in subsection (e).

(c) The board of directors may condition its submission of the proposal for dissolution on any basis.

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with IC 23-1-29-5. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider dissolving the corporation.

(e) Unless the articles of incorporation or the board of directors (acting under subsection (c)) require a greater vote or a vote by voting groups, the proposal to dissolve to be adopted must be approved by a majority of all the votes entitled to be cast on that proposal.

(f) After a proposal for dissolution is adopted, the corporation shall give the notices required by IC 6-8.1-10-9 **and** IC 22-4-32-23. ~~and IC 32-34-1-25~~.

SECTION 9. IC 23-17-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A corporation's board of directors may propose dissolution for submission to the members.

(b) For a proposal to dissolve to be adopted, the following conditions must be met:

(1) The board of directors must recommend dissolution to the members unless the board of directors determines that because of conflict of interest or other special circumstances the board should not make a recommendation and communicates the basis for the board's determination to the members.

(2) The members entitled to vote must approve the proposal to dissolve as provided under subsection (f).

(3) A person whose approval is required by articles of incorporation authorized under IC 23-17-17-1 for an amendment to the articles of incorporation or bylaws must approve the proposal to dissolve in writing.

(c) If a corporation does not have members, dissolution must be approved by a majority of the directors in office at the time dissolution is approved. The corporation shall provide notice to directors of a director's meeting where an approval for

dissolution will be sought under IC 23-17-15-3. The notice must state that the purpose of the meeting is to consider the proposed dissolution.

(d) The board of directors may condition the board's submission of the proposal for dissolution on any basis.

(e) The corporation must notify each member, whether or not entitled to vote, of the proposed members' meeting under IC 23-17-10-5. The notice must state that the purpose of the meeting is to consider dissolving the corporation.

(f) Unless articles of incorporation or a board of directors acting under subsection (d) require a greater vote or a vote by voting groups, the proposal to dissolve to be adopted must be approved by the members by a majority of the votes cast on the proposal.

(g) After a proposal for dissolution is adopted, the corporation must give the notices required under the following:

(1) IC 6-8.1-10-9.

(2) IC 22-4-32-23.

~~(3) IC 32-34-1-25.~~

SECTION 10. IC 24-13-4-2, AS ADDED BY P.L.105-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A person who is entitled to bring an action on the person's own behalf under section 1 of this chapter may bring a class action on behalf of any class of persons of which the person is a member and that has been damaged by the pyramid promotional scheme, subject to and under the Indiana Rules of Trial Procedure governing class actions.

(b) The court may award reasonable attorney's fees to the party that prevails in a class action under this section. The attorney's fees must be determined by the amount of time reasonably expended by the attorney and not by the amount of the judgment. The court, however, may consider awarding a contingency fee.

(c) Any money or other property recovered in a class action under this section that cannot, with due diligence, be restored to the members of the class within one (1) year after the final judgment must be returned to the abandoned property fund ~~established by IC 32-34-1-33.~~ **under IC 32-34-1.5-42.**

(d) Actual damages awarded to a class have priority over any civil penalty imposed under this article.

SECTION 11. IC 25-30-1-5, AS AMENDED BY P.L.57-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. This chapter does not require any of the following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

(4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

(5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance

companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

(6) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance underwriting purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(7) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a private investigator for the purposes of loss prevention investigations for the retail merchant's retail establishment.

(8) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

(9) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

(10) A professional surveyor with a certificate of registration under IC 25-21.5, to the extent the professional surveyor is engaged in an investigation incident to the practice of surveying.

(11) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

(12) An independent consultant employed by the attorney general under ~~IC 32-34-1-48;~~ **IC 32-34-1.5-60**, to the extent that the independent consultant is engaged in providing services for the attorney general.

SECTION 12. IC 26-3-8-15, AS AMENDED BY P.L.144-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) Any sale of the personal property under this chapter shall be held:

(1) at the self-service storage facility or, if that facility is not a suitable place for a sale, at the suitable place nearest to where the property is held or stored; or

(2) through a publicly accessible Internet web site.

(b) The owner may buy the personal property at any sale under this chapter.

(c) An owner may satisfy the owner's lien from the proceeds of a sale under this chapter. If the proceeds of a sale under this chapter exceed the amount of the owner's lien, the owner shall hold the balance for delivery, upon demand, to the renter. If the renter does not claim the balance of the proceeds within one (1) year after the sale, the balance shall be treated as unclaimed property under ~~IC 32-34-1.~~ **IC 32-34-1.5.**

SECTION 13. IC 27-2-23-16, AS ADDED BY P.L.90-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) The benefit of a policy, annuity, or retained asset account, plus accrued interest applicable under the policy, annuity, or retained asset account, is first payable to designated beneficiaries or



policy owners, annuity owners, or account owners.

(b) If beneficiaries or policy owners, annuity owners, or account owners cannot be found, the benefit of the policy, annuity, or retained asset account (not including applicable accrued interest) escheats to the state as unclaimed property under ~~IC 32-34-1~~ **IC 32-34-1.5**.

SECTION 14. IC 27-2-23-18, AS ADDED BY P.L.90-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) With respect to a policy, an annuity, or a retained asset account for which an insurer has knowledge of death:

(1) if:

(A) within one (1) year after the insurer has obtained the knowledge of death, the insurer:

- (i) conducts reasonable search efforts; and
- (ii) is unable to locate in Indiana a beneficiary under the policy, annuity, or retained asset account; or

(B) no beneficiary was named and the person, for purposes of ~~IC 32-34-1~~ **IC 32-34-1.5**, had a last known address in Indiana; and

(2) the insurer has, without success, attempted to make the contacts required by and in accordance with ~~IC 32-34-1~~ **IC 32-34-1.5**;

the insurer may, without further notice to or consent by the state, report and remit the proceeds of the policy, annuity, or retained asset account to the state on an early reporting basis in accordance with ~~IC 32-34-1~~ **IC 32-34-1.5**.

(b) After a report and remittance of proceeds described in subsection (a), the insurer is relieved and indemnified from any additional liability in relation to the proceeds, in accordance with ~~IC 32-34-1~~ **IC 32-34-1.5**.

SECTION 15. IC 27-2-23-21, AS ADDED BY P.L.166-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. This chapter does not prevent the attorney general from conducting an examination of the records of an insurance company under ~~IC 32-34-1-42~~ **IC 32-34-1.5-53**.

SECTION 16. IC 28-1-9-11, AS AMENDED BY P.L.35-2010, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. In case depositors or other creditors or the holders of shares of any such corporation are unknown or shall fail or refuse to accept their distributive shares in the property and assets of such corporation, or are under any disability, or cannot be found after diligent inquiry, upon the final settlement of the liquidation, the liquidating agent shall treat the property as unclaimed property and comply with ~~IC 32-34-1~~ **IC 32-34-1.5**.

SECTION 17. IC 30-2-16-7, AS ADDED BY P.L.141-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. Section 5 of this chapter does not apply to accounts containing a static balance that would otherwise be reported to the state under ~~IC 32-34-1-26~~ **IC 32-34-1.5-18** as Indiana property.

SECTION 18. IC 32-33-10.5-8, AS ADDED BY P.L.172-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section applies if a complaint is filed under section 7 of this chapter and the plaintiff recovers:

(1) a judgment in any sum; or

(2) a judgment:

(A) declaring that an aircraft is abandoned or derelict; and

(B) authorizing the disposal of the aircraft by means of a public auction and removal of the aircraft from the

premises of a public-use airport or of a fixed-base operator.

(b) Any net proceeds resulting from the sale or disposal of an aircraft under this chapter shall be paid to:

(1) the owner of the aircraft and any other person having a legal or equitable interest in the aircraft, in proportion to each person's legal or equitable interest in the aircraft; or

(2) if the owner of the aircraft or any other person having a legal or equitable interest in the aircraft cannot be found, to the attorney general as unclaimed property under ~~IC 32-34-1~~ **IC 32-34-1.5**.

(c) In an action brought under section 7 of this chapter, the plaintiff may also recover as part of the judgment in the action reasonable attorney's fees incurred by the plaintiff in bringing and prosecuting the action.

SECTION 19. IC 32-34-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Unclaimed Property Act).

SECTION 20. IC 32-34-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

#### **Chapter 1.5. Revised Unclaimed Property Act**

**Sec. 1. (a) This chapter does not apply to property held, due, and owing in a foreign country if the transaction out of which the property arose was a foreign transaction.**

**(b) This chapter does not apply to a business to business credit memorandum or a credit balance resulting from a business to business credit memorandum.**

**Sec. 2. This chapter may be cited as the "revised unclaimed property act".**

**Sec. 3. The following definitions apply throughout this chapter:**

**(1) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.**

**(2) "Attorney general's agent" means a person with which the attorney general contracts to conduct an examination under section 53 of this chapter on behalf of the attorney general.**

**(3) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.**

**(4) "Confidential information" means records, reports, and information that are considered confidential under section 78 of this chapter.**

**(5) "Domicile" means the following:**

**(A) For a corporation, the state of its incorporation.**

**(B) For a business association other than a corporation whose formation requires a filing with a state, the state of its filing.**

**(C) For a federally chartered entity or an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 et seq.),**

the state of its home office.

(D) For any other holder, the state of its principal place of business.

(6) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(7) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(8) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(9) "Financial organization loyalty program" means a record given without direct monetary consideration, excluding an annual or periodic fee, under an award, reward, benefit, loyalty, incentive, rebate, or other promotional program established by a financial organization for the purpose of rewarding a relationship with the sponsoring financial organization. The term includes:

(A) both a physical card and an electronic record; and

(B) a program offering a record that is redeemable for money or cash or is otherwise monetized by the financial organization.

(10) "Game related digital content" means digital content that exists only in an electronic game or electronic-game platform. The term includes game-play currency such as a virtual wallet, even if denominated in United States currency and, if for use or redemption only within the game or platform or another electronic game or electronic-game platform, points sometimes referred to as gems, tokens, gold, and similar names and digital codes. The term does not include an item that the issuer:

(A) permits to be redeemed for use outside a game or platform for money or goods or services that have more than minimal value; or

(B) otherwise monetizes for use outside a game or platform.

(11) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner property subject to this chapter.

(12) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and worker's compensation insurance.

(13) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

(14) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by a law of this state other than this chapter.

(15) "Mineral proceeds" means an amount payable for the extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(C) under an agreement or option, including a joint-operation agreement, unit agreement, pooling agreement, and farm out agreement.

(16) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

(17) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

(18) "Non-freely transferable security" means a security that cannot be delivered to the attorney general by the Depository Trust & Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(19) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner. The term includes:

(A) for a deposit, a depositor;

(B) for a trust other than a deposit in trust, a beneficiary;

(C) for other property, a creditor, claimant, or payee; and

(D) the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

(20) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E (12 CFR Part 1005).

(21) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal

entity.

(22) "Property" means tangible property described in section 8 of this chapter or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government or governmental subdivision, agency, or instrumentality. The term includes:

(A) all income from or increments to the property; and

(B) property referred to as or evidenced by:

(i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;

(ii) a credit balance, customer's overpayment, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;

(iii) a security, except for a worthless security or a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;

(iv) a bond, debenture, note, or other evidence of indebtedness;

(v) money deposited to redeem a security, make a distribution, or pay a dividend;

(vi) an amount due and payable under an annuity contract or insurance policy; and

(vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or a similar benefit.

The term does not include property held in a plan described in Section 529A of the Internal Revenue Code, game related digital content, a financial organization loyalty program, a loyalty card, or an in-store credit for returned merchandise.

(23) "Putative holder" means a person believed by the attorney general to be a holder, until the person pays or delivers to the attorney general property subject to this chapter or the attorney general or court makes a final determination that the person is or is not a holder.

(24) "Record" means information that is inscribed on a tangible medium or that is

stored in an electronic or other medium and is retrievable in perceivable form.

(25) "Security" means:

(A) a security (as defined in IC 26-1-8.1-102);

(B) a security entitlement (as defined in IC 26-1-8.1-102), including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) payable to the order of the person; or

(iii) specifically indorsed to the person; or

(C) an equity interest in a business association not included in clause (A) or (B).

(26) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(27) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(28) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(A) Transmission of communications or information.

(B) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

(C) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

(29) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(A) the software or protocols governing the transfer of the digital representation of value;

(B) game related digital content;

(C) a financial organization loyalty program; or

(D) a loyalty card.

(30) "Worthless security" means a security whose cost of liquidation and delivery to the attorney general would exceed the value of the security on the date a report is due under this chapter.

Sec. 4. Subject to section 11 of this chapter, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified as

follows:

- (1) For a traveler's check, fifteen (15) years after issuance.
- (2) For a money order, seven (7) years after issuance.
- (3) For a state or municipal bond, bearer bond, or original issue discount bond, three (3) years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises.
- (4) For a debt of a business association, three (3) years after the obligation to pay arises.
- (5) For a payroll card or demand, savings, or time deposit, including a deposit that is automatically renewable, three (3) years after the maturity of the deposit. This does not include a deposit that is automatically renewable, which is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at the time of account opening or at or about the time of the renewal.
- (6) For money or a credit owed to a customer as a result of a retail business transaction, other than in-store credit for returned merchandise, three (3) years after the obligation arose.
- (7) For an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three (3) years after the obligation to pay arose under the terms of the policy or contract. If a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, the amount must be paid as follows:
  - (A) With respect to an amount owed on a life or endowment insurance policy, three (3) years after the earlier of the date the insurance company has knowledge of the death of the insured or the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based.
  - (B) With respect to an amount owed on an annuity contract, three (3) years after the date the insurance company has knowledge of the death of the annuitant.
- (8) For property distributable by a business association in the course of dissolution, one (1) year after the property becomes distributable.
- (9) For property held by a court, including property received as proceeds of a class action, one (1) year after the property becomes distributable.
- (10) For property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one (1) year after the property becomes distributable.
- (11) For wages, commissions, bonuses, or reimbursements to which an employee is

entitled, or other compensation for personal services, other than amounts held in a payroll card, one (1) year after the amount becomes payable.

(12) For a deposit or refund owed to a subscriber by a utility, one (1) year after the deposit or refund becomes payable.

(13) For property not specified in this section or sections 8 and 9 of this chapter, the earlier of three (3) years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

Sec. 5. (a) Subject to section 11 of this chapter, property held in a pension account or retirement account that qualifies for tax deferral under federal income tax laws is presumed abandoned if it is unclaimed by the apparent owner three (3) years after the later of the following:

(1) The following dates:

(A) Except as provided in clause (B), the date a second consecutive communication sent by the holder by first class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service.

(B) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service.

(2) The earlier of the following dates:

(A) The date the apparent owner reaches the age at which the Internal Revenue Service requires a minimum distribution from the account, if determinable by the holder.

(B) If the Internal Revenue Code requires distribution to avoid a tax penalty, two (2) years after the following dates:

(i) The date the holder receives confirmation of the death of the apparent owner in the ordinary course of its business.

(ii) The date the holder confirms the death of the apparent owner under subsection (b).

(b) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner of an account described in subsection (a) and subsection (a)(2) applies, the holder shall attempt not later than ninety (90) days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

(c) If the holder does not send communications to the apparent owner of an account described in subsection (a) by first class United States mail, the holder must attempt to confirm the apparent owner's interest in the property by sending the apparent owner an electronic mail communication not later than two (2) years after the apparent owner's last indication of interest in the property. However, the holder must attempt to contact the apparent owner by first class United States mail within sixty (60) days if any of the following apply:

(1) The holder does not have information

needed to send the apparent owner an electronic mail communication or the holder believes the apparent owner's electronic mail address in the holder's records is not valid.

(2) The holder receives notification the electronic mail communication was not received.

(3) The apparent owner does not respond to the electronic mail communication not later than thirty (30) days after the communication was sent.

(d) If first class United States mail sent under subsection (c) is returned to the holder undelivered by the United States Postal Service, the property is presumed abandoned three (3) years after the later of the following:

(1) Except as provided in subdivision (2), the date a second consecutive communication to the apparent owner sent by first class United States mail is returned to the holder undelivered.

(2) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered.

(3) The date established by subsection (a)(2).

Sec. 6. Subject to section 11 of this chapter and except for property described in section 5 of this chapter and property held in a plan described in Section 529A of the Internal Revenue Code, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three (3) years after the earlier of the following:

(1) The date, if determinable by the holder, specified in federal income tax laws and regulations by which distribution of the property must begin to avoid a tax penalty, with no distribution having been made.

(2) Thirty (30) years after the date the account was opened.

Sec. 7. (a) Subject to section 11 of this chapter, property held in an account established under a state's Uniform Gifts to Minors Act or Uniform Transfers to Minors Act is presumed abandoned if it is unclaimed by or on behalf of the minor on whose behalf the account was opened three (3) years after the later of the following:

(1) Except as provided in subdivision (2), the date a second consecutive communication sent by the holder by first class United States mail to the custodian of the minor on whose behalf the account was opened is returned undelivered to the holder by the United States Postal Service.

(2) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered.

(3) The date on which the custodian is required to transfer the property to the minor or the minor's estate in accordance with the Uniform Gifts to Minors Act or Uniform Transfers to Minors Act of the state in which the account was opened.

(b) If the holder does not send communications to the custodian of the minor on whose behalf an account described in subsection (a) was opened by first class United States mail, the holder shall attempt to confirm the custodian's interest in the property by sending the custodian an electronic mail communication not later than two (2)

years after the custodian's last indication of interest in the property. However, the holder shall attempt to contact the custodian by first class United States mail within sixty (60) days if any of the following applies:

(1) The holder does not have information needed to send the custodian an electronic mail communication or the holder believes the electronic mail address in the holder's records is not valid.

(2) The holder receives notification that the electronic mail communication was not received.

(3) The custodian does not respond to the electronic mail communication not later than thirty (30) days after the communication was sent.

(c) If first class United States mail sent under subsection (b) is returned undelivered to the holder by the United States Postal Service, the property is presumed abandoned three (3) years after the later of the following:

(1) The date a second consecutive communication to contact the custodian by first class United States mail is returned to the holder undelivered by the United States Postal Service.

(2) The date established by subsection (a)(3).

(d) When the property in the account described in subsection (a) is transferred to the minor on whose behalf an account was opened or to the minor's estate, the property in the account is no longer subject to this section.

Sec. 8. Tangible property held in a safe deposit box and proceeds from a sale of the property by the holder permitted by law of this state other than this chapter are presumed abandoned if the property remains unclaimed by the apparent owner five (5) years after the earlier of the:

(1) expiration of the lease or rental period for the box; or

(2) earliest date when the lessor of the box is authorized by law of this state other than this chapter to enter the box and remove or dispose of the contents without consent or authorization of the lessee.

Sec. 9. (a) Subject to section 11 of this chapter, a security is presumed abandoned three (3) years after:

(1) the date a second consecutive communication sent by the holder by first class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or

(2) if the second communication is made later than thirty (30) days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States Postal Service.

(b) If the holder does not send communications to the apparent owner by first class United States mail, the holder shall attempt to confirm the apparent owner's interest in the security by sending the apparent owner an electronic mail communication not later than two (2) years after the apparent owner's last indication of interest in the security. However, the holder must attempt to contact the apparent owner by first class United States mail within sixty (60) days if:

(1) the holder does not have information needed to send the apparent owner an electronic mail communication or the holder believes that the apparent owner's electronic mail address in the holder's records is not valid;

(2) the holder receives notification that the electronic mail communication was not

received; or

(3) the apparent owner does not respond to the electronic mail communication not later than thirty (30) days after the communication was sent.

(c) If first class United States mail sent under subsection (b) is returned to the holder undelivered by the United States Postal Service, the security is presumed abandoned three (3) years after the date the mail is returned.

Sec. 10. At and after the time property is presumed abandoned under this chapter, any other property right or interest accrued or accruing from the property and not previously presumed abandoned is also presumed abandoned.

Sec. 11. (a) The period after which property is presumed abandoned is measured from the later of:

(1) the date the property is presumed abandoned under this chapter; or

(2) the latest indication of interest by the apparent owner in the property.

(b) Under this chapter, an indication of an apparent owner's interest in property includes:

(1) a record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(2) an oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

(3) presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;

(4) activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(5) a deposit into or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;

(6) subject to subsection (e), payment of a premium on an insurance policy;

(7) the mailing of any correspondence in writing from a financial institution to the apparent owner, including:

(A) a statement;

(B) a report of interest paid or credited; or

(C) any other written advice;

relating to a demand, savings, or matured time deposit account, including a deposit account that is automatically renewable or any other account or property the apparent owner has with the financial institution, if the correspondence is not returned to the financial institution for nondelivery;

(8) any activity by the apparent owner that

concerns:

(A) another demand, savings, or matured time deposit account or other account the apparent owner has with a financial institution, including any activity by the apparent owner that results in an increase or decrease in the amount of any other account; or  
(B) any other relationship with the financial institution, including the payment of any amounts due on a loan; and

(9) any other action by the apparent owner which reasonably demonstrates to the holder that the apparent owner knows the property exists.

(c) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

(d) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.

(e) If an insured dies or an insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic premium loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating.

Sec. 12. (a) As used in this section, "death master file" means the United States Social Security Administration Death Master File or other data base or service that is at least as comprehensive as the United States Social Security Administration Death Master File for determining that an individual reportedly has died.

(b) With respect to a life or endowment insurance policy or annuity contract for which an amount is owed on proof of death, but which has not matured by proof of death of the insured or annuitant, the company has knowledge of the death of an insured or annuitant when:

(1) the company receives a death certificate or court order determining that the insured or annuitant has died;

(2) due diligence, performed as required under IC 27-2-23 to maintain contact with the insured or annuitant or determine whether the insured or annuitant has died, validates the death of the insured or annuitant;

(3) the company conducts a comparison for any purpose between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and validates the death;

(4) the attorney general or the attorney general's agent conducts a comparison for the purpose of finding matches during an examination conducted under section 53 of this chapter between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death; or

(5) the company:

(A) receives notice of the death of

the insured or annuitant from the attorney general, a beneficiary, policy owner, relative of the insured, or trustee or from an executor or other legal representative of the insured's or annuitant's estate; and

(B) validates the death of the insured or annuitant.

(c) The following rules apply under this section:

(1) A death master file match under subsection (b)(3) or (b)(4) occurs if the criteria for an exact or partial match are satisfied as provided under:

(A) IC 27-2-23;

(B) the National Conference of Insurance Legislators' model legislation regarding unclaimed benefits; or

(C) a rule or policy adopted by the department of insurance.

(2) The death master file match does not constitute proof of death for the purpose of submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the policy or contract for an amount due under an insurance policy or annuity contract.

(3) The death master file match or validation of the insured's or annuitant's death does not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a claim to receive proceeds under the terms of the policy or contract.

(4) If no provision in IC 27-2 establishes a time for validation of a death of an insured or annuitant, the insurance company shall make a good faith effort using other available records and information to validate the death and document the effort taken not later than ninety (90) days after the insurance company has notice of the death.

(d) This chapter does not affect the determination of the extent to which an insurance company, before July 1, 2021, had knowledge of the death of an insured or annuitant or was required to conduct a death master file comparison to determine whether amounts owed by the company on a life or endowment insurance policy or annuity contract were presumed abandoned or unclaimed.

Sec. 13. If proceeds payable under a life or endowment insurance policy or annuity contract are deposited into an account with check or draft writing privileges for the beneficiary of the policy or contract and, under a supplementary contract not involving annuity benefits other than death benefits, the proceeds are retained by the insurance company or the financial organization where the account is held, the policy or contract includes the assets in the account.

Sec. 14. (a) The following rules apply under this section:

(1) The last known address of an apparent owner is any description, code, or other indication of the location of the apparent owner which identifies the state, even if the description, code, or indication of location is not sufficient to direct the delivery of first class United States mail to the apparent owner.

(2) If the United States postal ZIP code associated with the apparent owner is for a post office located in this state, this state is

deemed to be the state of the last known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner to be in another state.

(3) If the address under subdivision (2) is in another state, the other state is deemed to be the state of the last known address of the apparent owner.

(4) The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under IC 27-2.

(b) The attorney general may take custody of property presumed abandoned, whether located in this state, another state, or a foreign country if:

(1) the last known address of the apparent owner in the records of the holder is in this state; or

(2) the records of the holder do not reflect the identity or last known address of the apparent owner, but the attorney general has determined that the last known address of the apparent owner is in this state.

(c) Except as provided in subsection (d), if records of a holder reflect multiple addresses for an apparent owner and this state is the state of the most recently recorded address, this state may take custody of property presumed abandoned, whether located in this state or another state.

(d) If it appears from records of the holder that the most recently recorded address of the apparent owner under subsection (c) is a temporary address and this state is the state of the next most recently recorded address that is not a temporary address, this state may take custody of the property presumed abandoned.

(e) Except as provided elsewhere in this section, the attorney general may take custody of property presumed abandoned, whether located in this state, another state, or a foreign country, if the holder is domiciled in this state or is this state or a governmental subdivision, agency, or instrumentality of this state, and:

(1) another state or foreign country is not entitled to the property because there is no last known address of the apparent owner or other person entitled to the property in the records of the holder; or

(2) the state or foreign country of the last known address of the apparent owner or other person entitled to the property does not provide for custodial taking of the property.

If the holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this subsection is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.

(f) Property is not subject to custody of the attorney general under subsection (e) if the property is specifically exempt from custodial taking under the law of this state or the state or foreign country of the last known address of the apparent owner.

(g) If a holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this section is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.



Sec. 15. Except as provided in sections 12, 13, and 14 of this chapter, the attorney general may take custody of property presumed abandoned whether located in this state or another state if:

- (1) the transaction out of which the property arose took place in this state;
- (2) the holder is domiciled in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the holder's domicile, the property is not subject to the custody of the attorney general; and
- (3) the last known address of the apparent owner or other person entitled to the property is unknown or in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the last known address, the property is not subject to the custody of the attorney general.

Sec. 16. The attorney general may take custody of sums payable on a traveler's check, money order, or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. 2501 through 2503.

Sec. 17. If a holder disputes the attorney general's right to custody of unclaimed property, the attorney general has the burden to prove:

- (1) the existence and amount of the property;
- (2) the property is presumed abandoned; and
- (3) the property is subject to the custody of the attorney general.

Sec. 18. (a) A holder of property presumed abandoned and subject to the custody of the attorney general must report in a record to the attorney general concerning the property. The attorney general may not require a holder to file a paper report.

(b) A holder may contract with a third party to make the report required under subsection (a).

(c) Whether or not a holder contracts with a third party under subsection (b), the holder is responsible:

- (1) to the attorney general for the complete, accurate, and timely reporting of property presumed abandoned; and
- (2) for paying or delivering to the attorney general property described in the report.

Sec. 19. (a) The report required under section 18 of this chapter must:

- (1) be signed by or on behalf of the holder and verified as to its completeness and accuracy;
- (2) if filed electronically, be in a secure format approved by the attorney general which protects confidential information of the apparent owner in the same manner as required of the attorney general's agent under section 80 of this chapter;
- (3) describe the property;
- (4) contain:

- (A) the name, if known;
- (B) the last known address, if known; and
- (C) the Social Security number or taxpayer identification number, if known or readily ascertainable;

of the apparent owner of the property of property with a value of fifty dollars (\$50) or more;

- (5) for an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last known

address of the insured, annuitant, or other apparent owner of the policy or contract and of the beneficiary;

(6) for property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by the attorney general, and any amounts owed to the holder under section 32 of this chapter;

(7) contain the commencement date for determining abandonment under sections 4, 5, 6, 7, 8, and 9 of this chapter;

(8) state that the holder has complied with the notice requirements of section 23 of this chapter;

(9) identify property that is a non-freely transferable security and explain why it is a non-freely transferable security; and

(10) include any other information required by the attorney general.

(b) A report required under section 18 of this chapter may include in the aggregate items valued under fifty dollars (\$50) each. If the report includes items in the aggregate valued under fifty dollars (\$50) each, the attorney general may not require the holder to provide the name and address of an apparent owner of an item, unless the information is necessary to verify or process a claim in progress by the apparent owner.

(c) A report required under section 18 of this chapter may include personal information as defined in section 77(a) of this chapter about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(d) If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report required under section 18 of this chapter its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property.

Sec. 20. (a) Except as otherwise provided in subsection (b) and subject to subsection (c), the report required under section 18 of this chapter must be filed before November 1 of each year and cover the twelve (12) months preceding July 1 of that year.

(b) Subject to subsection (c), the report required under section 18 of this chapter to be filed by an insurance company must be filed before May 1 of each year for the immediately preceding calendar year.

(c) Before the date for filing the report required under section 18 of this chapter, the holder of property presumed abandoned may request that the attorney general extend the time for filing. The attorney general may grant an extension. If an extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. A payment or partial payment under this subsection terminates accrual of interest on the amount paid.

Sec. 21. A holder required to file a report under section 18 of this chapter must retain records for ten (10) years after the later of the date the report was filed or the last date a timely report was due to be filed, unless a shorter period is provided by rule of the attorney general. The holder may satisfy the requirement to retain records under this section through an agent. The records must contain:

- (1) the information required to be included in the report;
- (2) the date, place, and nature of the circumstances that gave rise to the property right;
- (3) the amount or value of the property;
- (4) the last address of the apparent owner, if

known to the holder; and

(5) if the holder sells, issues, or provides to others for sale or issue in this state traveler's checks, money orders, or similar instruments, other than third party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue.

Sec. 22. Property is reportable and payable under this chapter even if the owner fails to make demand or present an instrument or document otherwise required to obtain payment.

Sec. 23. (a) Subject to subsection (b), the holder of property presumed abandoned must send to the apparent owner notice by first class United States mail that complies with section 24 of this chapter in a format acceptable to the attorney general not more than one hundred eighty (180) days and less than sixty (60) days before filing the report under section 18 of this chapter if:

- (1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first class United States mail to the apparent owner; and
- (2) the value of the property is fifty dollars (\$50) or more.

(b) If an apparent owner has consented to receive electronic mail delivery from the holder, the holder may, at its election, send the notice described in subsection (a) by either first class United States mail to the apparent owner's last known mailing address, or by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.

Sec. 24. (a) The notice under section 23 of this chapter must contain a heading that reads substantially as follows:

"Notice. The State of Indiana requires us to notify you that your property may be transferred to the custody of the attorney general if you do not contact us before thirty (30) days after the date of this notice."

(b) The notice under section 23 of this chapter must:

- (1) identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;
- (2) state that the property will be turned over to the attorney general;
- (3) state that after the property is turned over to the attorney general an apparent owner that seeks return of the property must file a claim with the attorney general;
- (4) state that property that is not legal tender of the United States may be sold by the attorney general; and
- (5) provide instructions that the apparent owner must follow to prevent the holder from reporting and paying or delivering the property to the attorney general.

Sec. 25. (a) The attorney general shall give notice to an apparent owner that property presumed abandoned and appearing to be owned by the apparent owner is held by the attorney general under this chapter by:

- (1) publishing once per year in at least one (1) newspaper of general circulation to each county of the state notice of property with a value greater than one hundred dollars (\$100) held by the attorney general, which must include:

- (A) the name of each apparent owner residing in the county, as set forth in the report filed by the

holder;

(B) the last known address or location of each apparent owner residing in the county, if an address or a location is set forth in the report filed by the holder;

(C) a statement explaining that the property of the apparent owner is presumed abandoned and has been taken into the protective custody of the attorney general;

(D) a statement that information about the abandoned property and its return to the apparent owner is available from the attorney general to a person having a legal or beneficial interest in the property;

(E) the web address of the unclaimed property Internet web site maintained by the attorney general;

(F) a telephone number and electronic mail address to contact the attorney general to inquire about or claim property; and

(G) a statement that a person may access the Internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library; and

(2) maintaining an Internet web site or data base accessible by the public and electronically searchable which contains the names reported to the attorney general of all apparent owners for whom property valued at ten dollars (\$10) or more is being held by the attorney general.

(b) The Internet web site or data base maintained under subsection (a)(2) must include instructions for filing with the attorney general a claim to property and a printable claim form with instructions for its use.

(c) In addition to publishing the information under subsection (a)(1) and maintaining the Internet web site or data base under subsection (a)(2), the attorney general may use other printed publication, telecommunication, the Internet, or other media to inform the public of the existence of unclaimed property held by the attorney general.

Sec. 26. Unless prohibited by law other than this chapter, on request of the attorney general, each officer, agency, board, commission, division, and department of the state, any body politic and corporate created by this state for a public purpose, and each political subdivision of this state shall make its books and records available to the attorney general and cooperate with the attorney general to determine the current address of an apparent owner of property held by the attorney general under this chapter.

Sec. 27. In this chapter, payment or delivery of property is made in good faith if a holder:

- (1) had a reasonable basis for believing, based on the facts then known, that the property was required or permitted to be paid or delivered to the attorney general under this chapter; or

(2) made payment or delivery:

- (A) in response to a demand by the attorney general or the attorney general's agent; or

(B) under a guidance or ruling

issued by the attorney general which the holder reasonably believed required or permitted the property to be paid or delivered.

Sec. 28. (a) A holder may deduct a dormancy charge from property required to be paid or delivered to the attorney general if:

- (1) a valid contract between the holder and the apparent owner authorizes imposition of the charge for the apparent owner's failure to claim the property within a specified time; and
- (2) the holder regularly imposes the charge and regularly does not reverse or otherwise cancel the charge.

(b) The amount of the deduction under subsection (a) is limited to an amount that is not unconscionable considering all relevant factors, including the marginal transactional costs incurred by the holder in maintaining the apparent owner's property and any services received by the apparent owner.

Sec. 29. (a) Except as otherwise provided in this section, upon filing a report under section 18 of this chapter, the holder shall pay or deliver to the attorney general the property described in the report.

(b) If property in a report under section 18 of this chapter is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the attorney general at the time of the report, the date for payment of the property to the attorney general is extended until a penalty or forfeiture no longer would result from payment.

(c) Tangible property in a safe deposit box may not be delivered to the attorney general until thirty (30) days after filing the report under section 18 of this chapter.

(d) If property reported to the attorney general under section 18 of this chapter is a security, the attorney general may:

- (1) make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or
- (2) dispose of the security under section 38 of this chapter.

(e) If the holder of property reported to the attorney general under section 18 of this chapter is the issuer of a certificated security, the attorney general may obtain a replacement certificate in physical or book entry form under IC 26-1-8.1-405. An indemnity bond is not required.

(f) The attorney general shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the attorney general by a holder.

(g) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the state against, a claim arising with respect to property after property has been delivered to the attorney general.

(h) A holder is not required to deliver to the attorney general a security identified by the holder as a non-freely transferable security. If the attorney general or holder determines that a security is no longer a non-freely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 18 of this chapter as a non-freely transferable security is no longer a non-freely transferable security.

Sec. 30. (a) On payment or delivery of property to the

attorney general under this chapter, the attorney general, as agent for the state, assumes custody and responsibility for safekeeping the property. A holder that pays or delivers property to the attorney general in good faith and substantially complies with sections 23 and 24 of this chapter is relieved of liability arising after with respect to payment or delivery of the property to the attorney general.

(b) The state must defend and indemnify a holder against liability on a claim against the holder resulting from the payment or delivery of property to the attorney general made in good faith and after the holder substantially complied with sections 23 and 24 of this chapter.

Sec. 31. (a) A holder that pays money to the attorney general under this chapter may file a claim for reimbursement from the attorney general of the amount paid if the holder:

- (1) paid the money in error; or
- (2) after paying the money to the attorney general, paid money to a person the holder reasonably believed was entitled to the money.

(b) If a claim for reimbursement under subsection (a) is made for a payment made on a negotiable instrument, including a traveler's check, money order, or similar instrument, the holder must submit proof that the instrument was presented and payment was made to a person the holder reasonably believed was entitled to payment. The holder may claim reimbursement even if the payment was made to a person whose claim was made after expiration of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order.

(c) If a holder is reimbursed by the attorney general under subsection (a)(2), the holder may also recover from the attorney general income or gain under section 33 of this chapter that would have been paid to the owner if the money had been claimed from the attorney general by the owner to the extent the income or gain was paid by the holder to the owner.

(d) A holder that delivers property other than money to the attorney general under this chapter may file a claim for return of the property from the attorney general if:

- (1) the holder delivered the property in error; or
- (2) the apparent owner has claimed the property from the holder.

(e) If a claim for return of property is made under subsection (d), the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the attorney general in error.

(f) The attorney general may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property under this section.

(g) A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

(h) Not later than ninety (90) days after a claim is filed under subsection (a) or (d), the attorney general shall allow or deny the claim and give the claimant notice of the decision in a record. If the attorney general does not take action on a claim during the ninety (90) day period, the claim is deemed denied.

(i) The claimant may initiate a proceeding under IC 4-21.5 for review of the attorney general's decision or the deemed denial under subsection (h) not later than:

- (1) thirty (30) days following receipt of the notice of the attorney general's decision; or
- (2) one hundred twenty (120) days following the filing of a claim under subsection (a) or

(d) in the case of a deemed denial under subsection (h).

(j) A final decision in an administrative proceeding initiated under subsection (i) is subject to judicial review by a trial court with competent jurisdiction.

Sec. 32. Property removed from a safe deposit box and delivered to the attorney general under this chapter is subject to the holder's right to reimbursement for the cost of opening the box and a lien or contract providing reimbursement to the holder for unpaid rent charges for the box. The attorney general shall reimburse the holder from the proceeds remaining after deducting the expense incurred by the attorney general in selling the property. If a claim is filed for property removed from a safe deposit box before the property is sold, the owner must provide proof that all unpaid rent and fees have been paid to the financial institution.

Sec. 32.5. (a) Notwithstanding section 30(a) of this chapter, United States savings bonds that are presumed abandoned under this chapter escheat to the state subject to the provisions of this chapter. All property rights and legal title to United States savings bonds and proceeds from United States savings bonds vest solely in the state.

(b) If:

- (1) a claim has not been made for a United States savings bond in accordance with the provisions of this chapter within one hundred eighty (180) days after the bond stops earning interest; and
- (2) the attorney general brings an action in a court with competent jurisdiction;

the court shall enter a judgment for the state concerning the bond if the court is satisfied with the evidence that the attorney general has substantially complied with this chapter and the laws of the state.

(c) The attorney general shall:

- (1) collect all United States savings bonds escheated to the state, including any proceeds from the bonds; and
- (2) transfer all money received to the treasurer of state under section 42 of this chapter.

(d) A person who wishes to make a claim for a United States savings bond escheated to the state under this section may file a claim with the attorney general. Upon providing sufficient proof of the validity of the claim filed under this subsection, the attorney general may pay the claim, less any expenses and costs that have been incurred by the state in securing full title and ownership of the property by escheat.

(e) If payment has been made to a claimant under subsection (d), an action may not be brought or maintained against the state, or any officer of the state, for or on account of any acts taken by the attorney general under this section.

Sec. 33. (a) If property other than money is delivered to the attorney general, the owner is entitled to receive from the attorney general income or gain realized or accrued on the property before the property is sold. If the property was an interest bearing demand, savings, or time deposit, the attorney general shall pay interest at the lesser rate of the average commercial interest rate for similar interest bearing property, as determined by an appropriate index, or the rate the property earned while in the possession of the holder. Interest begins to accrue when the property is delivered to the attorney general and ends on the date on which payment is made to the owner.

(b) Interest on interest bearing property is not payable under this section for any period before July 1, 2021, unless authorized by IC 32-34-1-30.1 (before its repeal).

Sec. 34. (a) The attorney general may decline to take

custody of property reported under section 18 of this chapter if the attorney general determines that:

- (1) the property has a value less than the estimated expenses of notice and sale of the property; or
- (2) taking custody of the property would be unlawful.

(b) A holder may pay or deliver property to the attorney general before the property is presumed abandoned under this chapter if the holder:

- (1) sends the apparent owner of the property notice required by section 23 of this chapter and provides the attorney general evidence of the holder's compliance with this subsection;
- (2) includes with the payment or delivery a report regarding the property conforming to section 19 of this chapter; and
- (3) first obtains the attorney general's consent in a record to accept payment or delivery.

(c) A holder's request for the attorney general's consent under subsection (b)(3) must be in a record. If the attorney general fails to respond to the request not later than thirty (30) days after receipt of the request, the attorney general is deemed to have denied the payment or delivery of the property.

(d) On payment or delivery of property under subsection (b), the property is presumed abandoned.

Sec. 35. (a) If the attorney general takes custody of property delivered under this chapter and later determines that the property has no substantial commercial value or that the cost of disposing of the property will exceed the value of the property, the attorney general may return the property to the holder or destroy or otherwise dispose of the property.

(b) An action or proceeding may not be commenced against the state, an agency of the state, the attorney general, another officer, employee, or agent of the state, or a holder for or because of an act of the attorney general under this section, except for intentional misconduct or malfeasance.

Sec. 36. (a) Expiration before, on, or after the effective date of this chapter of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of the holder under this chapter to file a report or pay or deliver property to the attorney general.

(b) The attorney general may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property more than five (5) years after the holder filed a nonfraudulent report under section 18 of this chapter with the attorney general. The parties may agree in a record to extend the limitation in this subsection.

(c) The attorney general may not commence an action, proceeding, or examination with respect to a duty of a holder under this chapter more than ten (10) years after the duty arose.

Sec. 37. (a) Subject to section 38 of this chapter, not earlier than three (3) years after receipt of property presumed abandoned, the attorney general may sell the property.

(b) Before selling property under subsection (a), the attorney general must give notice to the public of:

- (1) the date of the sale; and
- (2) a reasonable description of the property.

(c) A sale under subsection (a) must be to the highest bidder:

- (1) at public sale at a location in this state which the attorney general determines to be the most favorable market for the property;

- (2) on the Internet; or
- (3) on another forum the attorney general determines is likely to yield the highest net proceeds of sale.

(d) The attorney general may decline the highest bid at a sale under this section and reoffer the property for sale if the attorney general determines the highest bid is insufficient.

(e) If a sale held under this section is to be conducted other than on the Internet, the attorney general must publish at least one (1) notice of the sale, at least three (3) weeks but not more than five (5) weeks before the sale, in a newspaper of general circulation in the county in which the property is sold.

Sec. 38. (a) The attorney general shall sell a security as soon as reasonably possible.

(b) The attorney general may not sell a security listed on an established stock exchange for less than the price prevailing on the exchange at the time of sale. The attorney general may sell a security not listed on an established exchange by any commercially reasonable method.

Sec. 39. If a valid claim is made for a security in the possession of the attorney general, the attorney general shall:

- (1) transfer the security to the claimant; or
- (2) pay the claimant the value of the security as of the date the security was delivered to the attorney general.

Sec. 40. A purchaser of property at a sale conducted by the attorney general under this chapter takes the property free of all claims of the owner, a previous holder, or a person claiming through the owner or holder. The attorney general shall execute documents necessary to complete the transfer of ownership to the purchaser.

Sec. 41. (a) The attorney general may not sell a medal or decoration awarded for military service in the armed forces of the United States.

(b) The attorney general, with the consent of the respective organization under subdivision (1), agency under subdivision (2), or entity under subdivision (3), may deliver a medal or decoration described in subsection (a) to be held in custody for the owner, to:

- (1) a military veterans organization qualified under Section 501(c) of the Internal Revenue Code;
- (2) the agency that awarded the medal or decoration; or
- (3) a governmental entity.

(c) Upon delivery under subsection (b), the attorney general is not responsible for safekeeping the medal or decoration.

Sec. 42. (a) Except as otherwise provided in this section, the attorney general shall transfer to the treasurer of state for deposit in the abandoned property fund all funds received under this chapter, including proceeds from the sale of property under sections 37 and 38 of this chapter.

(b) The attorney general shall maintain an account with an amount of funds the attorney general reasonably estimates is sufficient to pay claims allowed under this chapter. If the aggregate amount of claims by owners allowed at any time exceeds the amount held in the account, an excess claim must be paid out of the state general fund.

Sec. 43. The attorney general shall:

- (1) record and retain the name and last known address of each person shown on a report filed under section 18 of this chapter to be the apparent owner of property delivered to the attorney general;
- (2) record and retain the name and last known address of each insured or annuitant and beneficiary shown on the report;

- (3) for each policy of insurance or annuity contract listed in the report of an insurance company, record and retain the policy or account number, the name of the company, and the amount due or paid; and
- (4) for each apparent owner listed in the report, record and retain the name of the holder that filed the report and the amount due or paid.

Sec. 44. (a) Before transferring funds received under this chapter to the treasurer of state for deposit in the abandoned property fund, the attorney general may deduct:

- (1) expenses of disposition of property delivered to the attorney general under this chapter;
- (2) costs of mailing and publication in connection with property delivered to the attorney general under this chapter;
- (3) reasonable service charges; and
- (4) expenses incurred in examining records of or collecting property from a putative holder or holder.

(b) If the balance of the principal in the abandoned property fund exceeds five hundred thousand dollars (\$500,000), the treasurer of state may, and at least once each fiscal year shall, transfer to the state general fund the balance of the principal of the abandoned property fund that exceeds five hundred thousand dollars (\$500,000).

(c) If a claim is allowed or a refund is ordered under this chapter that is more than five hundred thousand dollars (\$500,000), the treasurer of state shall transfer from the state general fund sufficient money to make prompt payment of the claim. There is annually appropriated to the treasurer of state from the state general fund the amount of money sufficient to implement this subsection.

(d) Except as provided in subsection (e), earnings on the abandoned property fund must be credited to the fund.

(e) On July 1 of each year, the interest balance in the abandoned property fund must be transferred to the state general fund.

Sec. 45. Property received by the attorney general under this chapter is held in custody for the benefit of the owner and is not owned by the state.

Sec. 46. (a) If the attorney general knows that property held by the attorney general under this chapter is subject to a superior claim of another state, the attorney general shall:

- (1) report and pay or deliver the property to the other state;
- (2) return the property to the holder so that the holder may pay or deliver the property to the other state; or
- (3) pay or deliver the property to the owner if the owner makes a claim while the property is in the custody of the attorney general.

(b) The attorney general is not required to enter into an agreement to transfer property to the other state under subsection (a).

Sec. 47. (a) Property held under this chapter by the attorney general is subject to the right of another state to take custody of the property if:

- (1) the property was paid or delivered to the attorney general because the records of the holder did not reflect a last known address in the other state of the apparent owner and:
  - (A) the other state establishes that the last known address of the apparent owner or other person entitled to the property was in the other state; or
  - (B) under the law of the other

state, the property has become subject to a claim by the other state of abandonment;

(2) the records of the holder did not accurately identify the owner of the property, the last known address of the owner was in another state, and, under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(3) the property was subject to the custody of the attorney general of this state under section 15 of this chapter and, under the law of the state of domicile of the holder, the property has become subject to a claim by the state of domicile of the holder of abandonment; or

(4) the property:

(A) is a sum payable on a traveler's check, money order, or similar instrument that was purchased in the other state and delivered to the attorney general under section 16 of this chapter; and

(B) under the law of the other state, has become subject to a claim by the other state of abandonment.

(b) A claim by another state to recover property under this section must be presented in a form prescribed by the attorney general, unless the attorney general waives presentation of the form.

(c) The attorney general shall decide a claim under this section not later than ninety (90) days after it is presented. If the attorney general determines that the other state is entitled under subsection (a) to custody of the property, the attorney general shall allow the claim and pay or deliver the property to the other state.

(d) The attorney general may require another state, before recovering property under this section, to agree to indemnify this state and its agents, officers, and employees against any liability on a claim to the property.

Sec. 48. (a) A person claiming to be the owner of property held under this chapter by the attorney general may file a claim for the property on a form prescribed by the attorney general. The claimant must verify the claim as to its completeness and accuracy.

(b) The attorney general may waive the requirement in subsection (a) and may pay or deliver property directly to a person if:

(1) the person receiving the property or payment is shown to be the apparent owner included on a report filed under section 18 of this chapter;

(2) the attorney general reasonably believes the person is entitled to receive the property or payment; and

(3) the property has a value of less than one thousand dollars (\$1,000).

(c) A person may file a claim under subsection (a) at any time not later than twenty-five (25) years after the date on which the property is presumed abandoned under this chapter, notwithstanding the expiration of any other time period specified by statute, contract, or court order during which an action or a proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property.

Sec. 49. (a) The attorney general shall pay or deliver property to a claimant under section 48(a) of this chapter if the attorney general receives evidence sufficient to establish to the satisfaction of the attorney general that the claimant is the owner of the property.

(b) Not later than ninety (90) days after a claim is filed under section 48(a) of this chapter, the attorney general shall allow or deny the claim and give the claimant notice in a record of the decision.

(c) If the claim is denied under subsection (b):

(1) the attorney general shall inform the claimant of the reason for the denial and specify what additional evidence, if any, is required for the claim to be allowed;

(2) the claimant may file an amended claim with the attorney general or commence an action under section 51 of this chapter; and

(3) the attorney general shall consider an amended claim filed under subdivision (2) as an initial claim.

(d) If the attorney general does not take action on a claim during the ninety (90) day period following the filing of a claim under section 48(a) of this chapter, the claim is deemed denied.

Sec. 50. (a) Not later than thirty (30) days after a claim is allowed under section 49(b) of this chapter, the attorney general shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under section 33 of this chapter.

(b) Property held under this chapter by the attorney general is subject to a claim for the payment of an enforceable debt the owner owes in this state for:

(1) child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;

(2) a civil or criminal fine or penalty, court costs, surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; or

(3) state or local taxes, penalties, and interest that have been determined to be delinquent or as to which notice has been recorded with the local taxing authority.

(c) Before delivery or payment to an owner under subsection (a) of property or payment to the owner of net proceeds of a sale of the property, the attorney general first shall apply the property or net proceeds to a debt under subsection (b) the attorney general determines is owed by the owner. The attorney general shall pay the amount to the appropriate state or local agency.

(d) The attorney general may make periodic inquiries of state and local agencies in the absence of a claim filed under section 48 of this chapter to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection (b). The attorney general first shall apply the property or net proceeds of a sale of property held by the attorney general to a debt under subsection (b) of an apparent owner which appears in the records of the attorney general and deliver the amount to the appropriate state or local agency.

Sec. 51. Not later than one (1) year after filing a claim under section 48(a) of this chapter, the claimant may commence an action against the attorney general in a court with jurisdiction to establish a claim that has been denied or deemed denied under section 49(d) of this chapter.

Sec. 52. If a person does not file a report required by section 18 of this chapter or the attorney general believes that a person may have filed an inaccurate, incomplete, or false report, the attorney general may require the person to file a verified report in a form prescribed by the attorney general. The verified report must:

(1) state whether the person is holding property reportable under this chapter;

(2) describe property not previously reported

or about which the attorney general has inquired;

(3) specifically identify property described under subdivision (2) about which there is a dispute whether it is reportable under this chapter; and

(4) state the amount or value of the property.

Sec. 53. The attorney general, at reasonable times and with reasonable notice, may:

(1) examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this chapter;

(2) issue an administrative subpoena requiring the person or agent of the person to make records available for examination; and

(3) bring an action seeking judicial enforcement of the subpoena.

Sec. 54. (a) The attorney general may adopt rules under IC 4-22-2 governing procedures and standards for an examination under section 53 of this chapter, including rules for use of an estimation, extrapolation, and statistical sampling in conducting an examination.

(b) An examination under section 53 of this chapter must be performed under rules adopted under subsection (a) and with generally accepted examination practices and standards applicable to an unclaimed property examination.

(c) If a person subject to examination under section 53 of this chapter has filed the reports required under sections 18 and 52 of this chapter and has retained the records required by section 21 of this chapter, the following rules apply:

(1) The examination must include a review of the person's records.

(2) The examination may not be based on an estimate unless the person expressly consents in a record to the use of an estimate.

(3) The person conducting the examination shall consider the evidence presented in good faith by the person in preparing the findings of the examination under section 58 of this chapter.

Sec. 55. Records obtained and records, including work papers, compiled by the attorney general in the course of conducting an examination under section 53 of this chapter:

(1) are subject to the confidentiality and security provisions of sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter;

(2) may be used by the attorney general in an action to collect property or otherwise enforce this chapter;

(3) may be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter;

(4) must be disclosed, on request, to the person that administers the unclaimed property law of another state for that state's use in circumstances equivalent to circumstances described in sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter, if the

other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter;

(5) must be produced by the attorney general under an administrative or judicial subpoena or administrative or court order; and

(6) must be produced by the attorney general on request of the person subject to the examination in an administrative or judicial proceeding relating to the property.

Sec. 56. (a) A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

(b) A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection (a) or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

(c) A putative holder may overcome prima facie evidence under subsection (a) by establishing by a preponderance of the evidence that a check, draft, or similar instrument was:

(1) issued as an unaccepted offer in settlement of an unliquidated amount;

(2) issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected;

(3) issued to a party affiliated with the issuer;

(4) paid, satisfied, or discharged;

(5) issued in error;

(6) issued without consideration;

(7) issued but there was a failure of consideration;

(8) voided not later than ninety (90) days after issuance for a valid business reason set forth in a contemporaneous record; or

(9) issued but not delivered to the third party payee for a sufficient reason recorded within a reasonable time after issuance.

(d) In asserting a defense under this section, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner or of custom and practice.

Sec. 57. If a person subject to examination under section 53 of this chapter does not retain the records required by section 21 of this chapter, the attorney general may determine the value of property due using a reasonable method of estimation based on all information available to the attorney general, including extrapolation and use of statistical sampling when appropriate and necessary, consistent with examination procedures and standards under section 54 of this chapter.

Sec. 58. At the conclusion of an examination under section 53 of this chapter, the attorney general or the attorney general's agent shall provide to the person whose records were examined a complete and unredacted examination report that specifies:

(1) the work performed;

(2) the property types reviewed;

(3) the methodology of any estimation technique, extrapolation, or statistical sampling used in conducting the examination;

(4) each calculation showing the value of property determined to be due; and

(5) the findings of the person conducting the examination.

Sec. 59. (a) If a person subject to examination under section 53 of this chapter believes the person conducting the



examination has made an unreasonable or unauthorized request or is not proceeding expeditiously to complete the examination, the person in a record may ask the attorney general to intervene and take appropriate remedial action, including countermanning the request of the person conducting the examination, imposing a time limit for completion of the examination, or reassigning the examination to another person.

(b) If a person in a record requests a conference with the attorney general to present matters that are the basis of a request under subsection (a), the attorney general shall hold the conference not later than thirty (30) days after receiving the request. The attorney general may hold the conference in person, by telephone, or by electronic means.

(c) If a conference is held under subsection (b), not later than thirty (30) days after the conference ends, the attorney general shall provide a report in a record of the conference to the person that requested the conference.

Sec. 60. (a) As used in this section, "related to the attorney general" means an individual who is:

- (1) the attorney general's spouse, partner in a civil union, domestic partner, or reciprocal beneficiary;
- (2) the attorney general's child, stepchild, grandchild, parent, stepparent, sibling, stepsibling, half-sibling, aunt, uncle, niece, or nephew;
- (3) a spouse, partner in a civil union, domestic partner, or reciprocal beneficiary of an individual under subdivision (2); or
- (4) any individual residing in the attorney general's household.

(b) The attorney general may contract with a person to conduct an examination under this chapter. The contract may be awarded only under IC 5-22.

(c) If the person with which the attorney general contracts under subsection (b) is:

- (1) an individual, the individual may not be related to the attorney general; or
- (2) a business entity, the entity may not be owned in whole or in part by the attorney general or an individual related to the attorney general.

(d) At least sixty (60) days before assigning a person under contract with the attorney general under subsection (b) to conduct an examination, the attorney general shall demand in a record that the person to be examined submit a report and deliver property that is previously unreported.

(e) If the attorney general contracts with a person under subsection (b):

- (1) the contract may provide for compensation of the person based on a fixed fee, hourly fee, or contingent fee;
- (2) a contingent fee arrangement may not provide for a payment that exceeds ten percent (10%) of the amount or value of property paid or delivered as a result of the examination; and
- (3) on request by a person subject to examination by a contractor, the attorney general shall deliver to the person a complete and unredacted copy of the contract and any contract between the contractor and a person employed or engaged by the contractor to conduct the examination.

(f) A contract under subsection (b) is subject to public disclosure without redaction under IC 5-14-3.

Sec. 61. The attorney general or an individual employed by the attorney general who participates in, recommends, or approves the award of a contract under section 60(b) of this chapter on or after July 1, 2021, is

subject to the ethics and conflicts of interest provisions under IC 4-2-6.

Sec. 62. (a) Not later than three (3) months after the end of the fiscal year, the attorney general shall compile and submit a report to the treasurer of state. The report must contain the following information about property presumed abandoned for the preceding fiscal year for the state:

(1) The total amount and value of all property paid or delivered under this act to the attorney general, separated into the following:

(A) The part voluntarily paid and delivered.

(B) The part paid or delivered as a result of an examination under section 53 of this chapter, separated into the following:

- (i) The part received as a result of an examination conducted by a state employee.
- (ii) The part received as a result of an examination conducted by a contractor under section 60 of this chapter.

(2) The name of and amount paid to each contractor under section 60 of this chapter and the percentage of the total compensation paid to all contractors under section 60 of this chapter bears to the total amount paid or delivered to the attorney general as a result of all examinations performed under section 60 of this chapter.

(3) The total amount and value of all property paid or delivered by the attorney general to persons that made claims for property held by the attorney general under this chapter and the percentage the total payments made and value of property delivered to claimants bears to the total amounts paid and value delivered to the attorney general.

(4) The total amount of claims made by persons claiming to be owners which were denied, were allowed, and are pending.

(b) The report under subsection (a) is a public record subject to public disclosure without redaction under IC 5-14-3.

Sec. 63. If the attorney general determines from an examination conducted under section 53 of this chapter that a putative holder failed or refused to pay or deliver to the attorney general property which is reportable under this chapter, the attorney general shall issue a determination of the putative holder's liability to pay or deliver and give notice in a record to the putative holder of the determination.

Sec. 64. (a) Not later than thirty (30) days after receipt of a notice under section 63 of this chapter, the putative holder may request an informal conference with the attorney general to review the determination. Except as otherwise provided in this section, the attorney general may designate an employee to act on behalf of the attorney general.

(b) If a putative holder makes a timely request under subsection (a) for an informal conference:

- (1) not later than twenty (20) days after the date of the request, the attorney general shall set the time and place of the conference;
- (2) the attorney general shall give the putative holder notice in a record of the time and place of the conference;
- (3) the conference may be held in person, by

telephone, or by electronic means, as determined by the attorney general;

(4) the request tolls the ninety (90) day period under sections 66 and 67 of this chapter until notice of a decision under subdivision (7) has been given to the putative holder or the putative holder withdraws the request for the conference;

(5) the conference may be postponed, adjourned, and reconvened as the attorney general deems appropriate;

(6) the attorney general or the attorney general's designee with the approval of the attorney general may modify or withdraw a determination made under section 63 of this chapter; and

(7) the attorney general shall issue a decision in a record and provide a copy of the record to the putative holder and examiner not later than twenty (20) days after the conference ends.

(c) A conference under subsection (b) is not an administrative remedy and is not a contested case subject to IC 4-21.5. An oath is not required and rules of evidence do not apply in the conference.

(d) At a conference under subsection (b), the putative holder must be given an opportunity to confer informally with the attorney general and the person that examined the records of the putative holder to:

(1) discuss the determination made under section 63 of this chapter; and

(2) present any issue concerning the validity of the determination.

(e) If the attorney general fails to act within the period prescribed in subsection (b)(1) or (b)(7), the failure does not affect a right of the attorney general, except that interest does not accrue on the amount for which the putative holder was determined to be liable under section 63 of this chapter during the period in which the attorney general failed to act until the earlier of:

(1) the date the putative holder initiates administrative review under section 66 of this chapter or files an action under section 67 of this chapter; or

(2) ninety (90) days after the putative holder received notice of the attorney general's determination under section 63 of this chapter if no review was initiated under section 66 of this chapter and no action was filed under section 67 of this chapter.

(f) The attorney general may hold an informal conference with a putative holder about a determination under section 63 of this chapter without a request at any time before the putative holder initiates administrative review under section 66 of this chapter or files an action under section 67 of this chapter.

(g) Interest and penalties under section 71 of this chapter continue to accrue on property not reported, paid, or delivered as required by this chapter after the initiation, and during the pendency, of an informal conference under this section.

Sec. 65. A putative holder may seek relief from a determination under section 63 of this chapter by:

(1) administrative review under section 66 of this chapter; and

(2) after the administrative remedies under section 66 of this chapter are exhausted, judicial review under section 67 of this chapter.

Sec. 66. (a) Not later than ninety (90) days after receiving notice of the attorney general's determination

under section 63 of this chapter, a putative holder may initiate a proceeding under IC 4-21.5 for review of the attorney general's determination.

(b) A final decision in an administrative proceeding initiated under subsection (a) is subject to judicial review by a court with jurisdiction.

Sec. 67. (a) Not later than ninety (90) days after the putative holder has exhausted the administrative remedies available in section 66 of this chapter, the putative holder may:

(1) file an action against the attorney general in a court with jurisdiction challenging the attorney general's determination of liability and seeking a declaration that the determination is unenforceable, in whole or in part; or

(2) pay the amount or deliver the property determined by the attorney general to be paid or delivered to the attorney general and, not later than six (6) months after payment or delivery, file an action against the attorney general in a court with jurisdiction for a refund of all or part of the amount paid or return of all or part of the property delivered.

(b) If a putative holder pays or delivers property the attorney general determined must be paid or delivered to the attorney general at any time after the putative holder files an action under subsection (a)(1), the court shall continue the action as if it had been filed originally as an action for a refund or return of property under subsection (a)(2).

(c) Upon the final determination of an action filed under subsection (a), the court may award reasonable attorney's fees to a putative holder that prevails in an action under this section.

(d) A putative holder that prevails in an action under subsection (a)(2) for a refund of money paid to the attorney general is entitled to interest on the amount refunded, at the same rate a holder is required to pay to the attorney general under section 71(a) of this chapter, from the date paid to the attorney general until the date of the refund.

Sec. 68. If a determination under section 63 of this chapter becomes final and is not subject to administrative or judicial review, the attorney general may commence an action in a court with jurisdiction over the defendant to enforce the determination and secure payment or delivery of past due, unpaid, or undelivered property. The action must be brought not later than one (1) year after the determination becomes final.

Sec. 69. (a) Subject to subsection (b), the attorney general may:

(1) exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and

(2) authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder under sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 of this chapter.

(b) An exchange or examination under subsection (a) may be done only if the state or foreign country has confidentiality and security requirements substantially equivalent to those in sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter or agrees in a record to be bound by this state's confidentiality and security requirements.

Sec. 70. (a) The attorney general may join another state or foreign country to examine and seek enforcement of this chapter against a putative holder.

(b) On request of another state or foreign country, the attorney general may commence action on behalf of the other state or country to enforce, in this state, the law of the other state or country against a putative holder subject to a claim by the other state or country, if the other state or country agrees to pay the costs incurred by the attorney general in the action.

(c) The attorney general may request the official authorized to enforce the unclaimed property law of another state or foreign country to commence an action to recover property in the other state or country on behalf of the attorney general. The state shall pay all the costs, including reasonable attorney's fees and expenses, incurred by the other state or foreign country in an action under this subsection.

(d) The attorney general may pursue an action on behalf of this state to recover property subject to this chapter but delivered to the custody of another state if the attorney general believes the property is subject to the custody of the attorney general.

(e) The attorney general may retain an attorney in this state, another state, or a foreign country to commence an action to recover property on behalf of the attorney general and may agree to pay attorney's fees based in whole or in part on a fixed fee, hourly fee, or a percentage of the amount or value of property recovered in the action.

(f) Expenses incurred by the state in an action under this section may be paid from property received under this chapter or the net proceeds of the property. Expenses paid to recover property may not be deducted from the amount that is subject to a claim under this chapter by the owner.

Sec. 71. (a) A holder that fails to report, pay, or deliver property within the time prescribed by this chapter shall pay to the attorney general interest at the following rates:

(1) The annual interest rate for a period of one (1) year or less after the time required by this chapter for reporting, payment, or delivery of property is the one (1) year Treasury Bill rate published in The Wall Street Journal or its successor on the third Tuesday of the month in which the remittance was due, plus one (1) percentage point.

(2) The interest rate for each year after the initial year to which subdivision (1) applies is the one (1) year Treasury Bill rate published in The Wall Street Journal or its successor on the third Thursday of the month immediately preceding the anniversary of the due date, plus one (1) percentage point.

(b) Except as otherwise provided in sections 72 and 73 of this chapter, the attorney general may require a holder that fails to report, pay, or deliver property within the time prescribed by this chapter to pay to the attorney general, in addition to interest under subsection (a), a civil penalty of two hundred dollars (\$200) for each day the duty is not performed, up to a cumulative maximum of five thousand dollars (\$5,000).

Sec. 72. (a) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this chapter or otherwise willfully fails to perform a duty imposed on the holder under this chapter, the attorney general may require the holder to pay the attorney general, in addition to interest under section 71(a) of this chapter, a civil penalty of one thousand dollars (\$1,000) for each day the obligation is evaded or the duty is not performed, up to a cumulative maximum amount of twenty-five thousand dollars (\$25,000), plus twenty-five percent (25%) of the amount or value of property that should have been but was not reported, paid, or delivered as a result of the evasion or failure to perform.

(b) If a holder makes a fraudulent report under this chapter, the attorney general may require the holder to pay to the attorney general, in addition to interest under section 71(a) of this chapter, a civil penalty of one thousand dollars (\$1,000) for each day from the date the report was made until corrected, up to a cumulative maximum of twenty-five thousand dollars (\$25,000), plus twenty-five percent (25%) of the amount or value of any property that should have been reported but was not included in the report or was underreported.

Sec. 73. The attorney general shall waive interest under section 71(a) of this chapter and penalties under sections 71(b) and 72 of this chapter if the attorney general determines the holder acted in good faith and without negligence.

Sec. 74. An agreement by an apparent owner and another person, the primary purpose of which is to locate, deliver, recover, or assist in the location, delivery, or recovery of property held by the attorney general, is enforceable only if the agreement:

(1) is in a record that clearly states the nature of the property and the services to be provided;

(2) is signed by or on behalf of the apparent owner;

(3) states the amount or value of the property reasonably expected to be recovered, computed before and after a fee or other compensation to be paid to the person has been deducted; and

(4) informs the apparent owner that a claim for property held by the attorney general may be made without charge through the attorney general's office.

Sec. 75. (a) Subject to subsection (b), an agreement under section 74 of this chapter is void if it is entered into during the period beginning on the date the property was paid or delivered by a holder to the attorney general and ending twenty-four (24) months after the payment or delivery.

(b) If a provision in an agreement described in subsection (a) applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.

(c) An agreement under subsection (a) which provides for compensation in an amount that is unconscionable is unenforceable except by the apparent owner. Compensation for an agreement under subsection (a) is unconscionable if the fee or compensation is more than ten percent (10%) of the amount collected, unless the amount collected is fifty dollars (\$50) or less, and may not exceed five thousand dollars (\$5,000). An apparent owner that believes the compensation the apparent owner has agreed to pay is unconscionable or the attorney general, acting on behalf of an apparent owner, or both, may file an action in a court with jurisdiction to reduce the compensation to the maximum amount that is not unconscionable. An apparent owner that prevails in an action under this subsection may be awarded reasonable attorney's fees.

(d) An apparent owner or the attorney general may assert that an agreement described in this section is void on a ground other than it provides for payment of unconscionable compensation.

(e) This section does not apply to an apparent owner's agreement with an attorney to pursue a claim for recovery of specifically identified property held by the attorney general or to contest the attorney general's denial of a claim for recovery of the property.

**Sec. 76. (a)** An apparent owner that contracts with another person to locate, deliver, recover, or assist in the location, delivery, or recovery of property of the apparent owner which is held by the attorney general may designate the person as the agent of the apparent owner. The designation must be in a record signed by the apparent owner.

**(b)** The attorney general shall give the agent of the apparent owner all information concerning the property which the apparent owner is entitled to receive, including information that otherwise is confidential information under section 78 of this chapter.

**(c)** If authorized by the apparent owner, the agent of the apparent owner may bring an action against the attorney general on behalf of and in the name of the apparent owner.

**Sec. 77. (a)** As used in this section and sections 78, 79, 80, 81, 82, 83, and 84 of this chapter, "personal information" means:

**(1)** information that identifies or reasonably can be used to identify an individual, such as first and last name in combination with the individual's:

- (A)** Social Security number or other government issued number or identifier;
- (B)** date of birth;
- (C)** home or physical address;
- (D)** electronic mail address or other online contact information or Internet provider address;
- (E)** financial account number or credit or debit card number;
- (F)** biometric data, health or medical data, or insurance information; or
- (G)** passwords or other credentials that permit access to an online or other account;

**(2)** personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law; and

**(3)** any combination of data that, if accessed, disclosed, modified, or destroyed without authorization of the owner of the data or if lost or misused, would require notice or reporting under IC 4-1-11 and federal privacy and data security law, whether or not the attorney general or the attorney general's agent is subject to the law.

**(b)** A provision of this section and sections 78, 79, 80, 81, 82, 83, and 84 of this chapter that applies to the attorney general or the attorney general's records also applies to the attorney general's agent.

**Sec. 78. (a)** Except as otherwise provided in this chapter, the following are confidential and are exempt from public inspection or disclosure:

**(1)** Reports and records of a holder in possession of the attorney general or the attorney general's agent.

**(2)** Personal information and other information derived or otherwise obtained by or communicated to the attorney general or the attorney general's agent from an examination under this chapter of the records of a person.

**(b)** A record or other information that is confidential under law of this state other than this chapter, another state, or the United States continues to be confidential when disclosed or delivered under this chapter to the attorney

general or the attorney general's agent.

**Sec. 79. (a)** When reasonably necessary to enforce or implement this chapter, the attorney general may disclose confidential information concerning property held by the attorney general or the attorney general's agent only to:

**(1)** an apparent owner or the apparent owner's personal representative, attorney, other legal representative, relative, or agent designated under section 76 of this chapter to have the information;

**(2)** the personal representative, other legal representative, relative of a deceased apparent owner, agent designated under section 76 of this chapter by the deceased apparent owner, or a person entitled to inherit from the deceased apparent owner;

**(3)** another department or agency of this state or the United States;

**(4)** the person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the attorney general of this state if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter; and

**(5)** a person subject to an examination under section 55(6) of this chapter.

**(b)** Except as otherwise provided in section 78(a) of this chapter, the attorney general shall include on the Internet web site or in the data base required by section 25(a)(2) of this chapter the name of each apparent owner of property held by the attorney general. The attorney general may include in published notices, printed publications, telecommunications, the Internet, or other media and on the Internet web site or in the data base additional information concerning the apparent owner's property if the attorney general believes the information will assist in identifying and returning property to the owner and does not disclose personal information except the home or physical address of an apparent owner.

**(c)** The attorney general and the attorney general's agent may not use confidential information provided to them or in their possession except as expressly authorized by this chapter or required by another law of this state.

**Sec. 80.** A person to be examined under section 53 of this chapter may require, as a condition of disclosure of the records of the person to be examined, that each person having access to the records disclosed in the examination execute and deliver to the person to be examined a confidentiality agreement that:

**(1)** is in a form that is reasonably satisfactory to the attorney general; and

**(2)** requires the person having access to the records to comply with the provisions of this section and sections 77, 78, 79, 80, 81, 82, 83, and 84 of this chapter applicable to the person.

**Sec. 81.** Except as otherwise provided in sections 23 and 24 of this chapter, a holder is not required to include confidential information in a notice the holder is required to provide to an apparent owner under this chapter.

**Sec. 82. (a)** If a holder is required to include confidential information in a report to the attorney general, the information must be provided by a secure means.

**(b)** If confidential information in a record is provided to and maintained by the attorney general or the attorney general's agent as required by this chapter, the attorney general or the attorney general's agent shall:

**(1)** implement administrative, technical, and

physical safeguards to protect the security, confidentiality, and integrity of the information required by IC 4-1-11 and federal privacy and data security law whether or not the attorney general or the attorney general's agent is subject to the law;

(2) protect against reasonably anticipated threats or hazards to the security, confidentiality, or integrity of the information; and

(3) protect against unauthorized access to or use of the information which could result in substantial harm or inconvenience to a holder or the holder's customers, including insureds, annuitants, and policy or contract owners and their beneficiaries.

**(c) The attorney general:**

(1) after notice and comment, shall adopt and implement a security plan that identifies and assesses reasonably foreseeable internal and external risks to confidential information in the attorney general's possession and seeks to mitigate the risks; and

(2) shall ensure that the attorney general's agent adopts and implements a similar plan with respect to confidential information in the agent's possession.

**(d) The attorney general and the attorney general's agent shall educate and train their employees regarding the plan adopted under subsection (c).**

**(e) The attorney general and the attorney general's agent shall in a secure manner return or destroy all confidential information no longer reasonably needed under this chapter.**

**Sec. 83. (a) Except to the extent prohibited by law other than this chapter, the attorney general or the attorney general's agent shall notify a holder as soon as practicable of:**

(1) a suspected loss, misuse or unauthorized access, disclosure, modification, or destruction of confidential information obtained from the holder in the possession of the attorney general or the attorney general's agent; and  
(2) any interference with operations in any system hosting or housing confidential information which:

(A) compromises the security, confidentiality, or integrity of the information; or

(B) creates a substantial risk of identity fraud or theft.

**(b) The attorney general and the attorney general's agent must comply with the requirements of IC 4-1-10 and IC 4-1-11 if an event described in subsection (a) leads to the disclosure of confidential information.**

**(c) If an event described in subsection (a) occurs, the attorney general and the attorney general's agent shall:**

(1) take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and

(2) cooperate with the holder with respect to:

(A) any notification required by law concerning a data or other security breach; and

(B) a regulatory inquiry, litigation, or similar action.

**Sec. 84. (a) If a claim is made or action commenced arising out of an event described in section 83(a) of this chapter relating to confidential information possessed by the attorney general's agent, the attorney general's agent shall indemnify, defend, and hold harmless a holder and the**

**holder's affiliates, officers, directors, employees, and agents as to:**

(1) any claim or action; and

(2) a liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorney's fees and costs, established by the claim or action.

**(b) The attorney general shall require an agent that will receive confidential information required under this chapter to maintain adequate insurance for the indemnification obligations under subsection (a). The agent required to maintain the insurance shall provide evidence of the insurance to:**

(1) the attorney general not less frequently than annually; and

(2) the holder on commencement of an examination and annually thereafter until all confidential information is returned or destroyed under section 82(e) of this chapter.

**Sec. 85. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.**

**Sec. 86. This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. 7001(c)), or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. 7003(b)).**

**Sec. 87. (a) The attorney general may adopt rules under IC 4-22-2 to carry out the purposes of this chapter.**

**(b) The attorney general shall adopt rules under IC 4-22-2 regarding virtual currency and digital assets.**

**SECTION 21. IC 32-34-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Unclaimed Money in Possession of a Court Clerk).**

**SECTION 22. IC 34-30-2-139, AS AMENDED BY P.L.86-2018, SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 139. ~~IC 32-34-1-27 and IC 32-34-1-29~~ IC 32-34-1.5-30 (Concerning holders of abandoned property who deliver the property to the attorney general).**

**SECTION 23. IC 35-52-32-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 3- IC 32-34-1-45 defines a crime concerning lost or unclaimed personal property.~~**

**SECTION 24. IC 36-9-23-28, AS AMENDED BY P.L.127-2017, SECTION 315, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. (a) The legislative body of a municipality that operates sewage works under this chapter may, by ordinance, require the owners, lessees, or users of property served by the works to pay a deposit to ensure payment of sewer fees.**

**(b) The deposit required may not exceed the estimated average payment due from the property served by the sewage works for a three (3) month period. The deposit must be retained in a separate fund.**

**(c) The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served:**

(1) has been conveyed or transferred to another person; or

(2) no longer uses or is connected with any part of the municipal sewage system.

**A statement under subdivision (1) must include the name and address of the person to whom the property is conveyed or transferred.**

**(d) If a depositor fails to satisfy costs and fees within sixty (60) days after the termination of the depositor's use or ownership of the property served, the depositor forfeits the**

depositor's deposit and all accrued interest. The forfeited amount shall be applied to the depositor's outstanding fees. Any excess that remains due after application of the forfeiture may be collected in the manner prescribed by section 31 or 32 of this chapter.

(e) A deposit may be used to satisfy all or part of any judgment awarded the municipality under section 31 of this chapter.

(f) A deposit made under this section that has remained unclaimed by the depositor for more than seven (7) years after the termination of the services for which the deposit was made becomes the property of the municipality. ~~IC 32-34-1~~ **IC 32-34-1.5** (unclaimed property) does not apply to a deposit described in this subsection.

SECTION 25. IC 36-9-23-28.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28.5. (a) This section does not apply to a deposit made under section 28 of this chapter.

(b) ~~IC 32-34-1~~ **IC 32-34-1.5** does not apply to an overpayment described in subsection (d).

(c) As used in this section, "payor" refers to the owner, lessee, or user of property served by the sewage works who has paid for service from the sewage works.

(d) An overpayment of sewer fees that remains unclaimed by a payor for more than seven (7) years after the termination of the service for which the overpayment was made becomes the property of the municipality.

(Reference is to ESB 188 as reprinted April 9, 2021.)

KOCH	YOUNG
FREEMAN	HATFIELD
Senate Conferees	House Conferees

Roll Call 487: yeas 87, nays 0. Report adopted.

*[Journal Clerk's Note: Due to the Covid-19 restrictions, the 2021 legislative interns were recognized by the Speaker with a few brief remarks and announcement of the 2021 legislative interns of the year. The Republican Intern of the Year is Mason Montgomery and the Democrat Intern of the Year is Julia Watts.]*

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 3:41 p.m. with the Speaker in the Chair.

Upon request of Representative Lehman, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 488: 78 present. The Speaker declared a quorum present.

## RESOLUTIONS ON FIRST READING

### House Resolution 65

Representatives Soliday, Pressel and Austin introduced House Resolution 65:

A HOUSE RESOLUTION recognizing and honoring Chris "Q-Bacca" Kiefer on the occasion of his retirement.

*Whereas, Mr. Chris Kiefer began his service at the Indiana Department of Transportation (INDOT) in 2005 as the agency's director of public-private partnerships;*

*Whereas, Between 2007 and 2014, Chris served as legislative liaison for INDOT and was always available and responsive at committee meetings to legislators;*

*Whereas, Chris became chief of staff of INDOT in August 2014, overseeing the agency's divisions that focus on communication, media relations, legislative services, and economic development;*

*Whereas, In his time working at INDOT, Chris has served under four different INDOT commissioners and three different governors;*

*Whereas, During Chris's 16 years working at INDOT, he was instrumental in implementing Indiana's aggressive Major Moves transportation plan to significantly improve and expand Indiana's highway infrastructure;*

*Whereas, Chris played a critical role in the passage and success of House Bill 1002 in 2017, the landmark transportation funding bill that created long-term, dedicated road funding for Indiana road and bridge improvements;*

*Whereas, Chris's door is always open to inquiry and he has served the state of Indiana as a model for collaborative problem solving;*

*Whereas, Chris is an invaluable repository of transportation resources, knowledge, and information;*

*Whereas, Chris enjoys an elegant, double diamond design interstate interchange, a clean interstate rest stop, a nice pair of skinny slacks, spending time with fellow millennials, and above all a well-kept lawn; and*

*Whereas, Chris's last day of public service at INDOT will be on April 30, 2021: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Chris Kiefer for his many accomplishments and dedication to the Indiana Department of Transportation.

SECTION 2. That the Indiana House of Representatives wishes him well in his future endeavors.

SECTION 3. That the principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of Representative Edmond Soliday for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 66

Representative Morris introduced House Resolution 66:

A HOUSE RESOLUTION congratulating the Bishop Dwenger girls soccer team on winning the 2020 Indiana High School Athletic Association ("IHSAA") Class 2A state championship title.

*Whereas, The Bishop Dwenger High School girls soccer team captured the 2020 IHSAA Class 2A championship title by beating Indianapolis Cathedral High School;*

*Whereas, The team consists of teammates Cecilia Garrett, Karley O'Leary, Callie Burns, Avery Ledo, Megan Guzhnay, Grace Morris, Leah Reese, Evelyn Harkenrider, Ellen Hartzog, Augusta A'Hearn, Kelly Connolly, Ava Slater, Lucy Bryan, Isabelle Sherman, Faith Lewis, Emma Farrar, Lily Haraburda, McKenna Kleinrichert, Grace Hein, Erynn Burns, Karly Ewing, and Sophia Sordelet;*

*Whereas, To earn their spot in the state championship match, the Saints defeated the Yorktown Tigers in the regional championship, and the Culver Eagles in the semi-state championship;*

*Whereas, Fighting for the state title, the two teams were deadlocked throughout regulation time and two overtime periods, until teammate Grace Morris outshot the Irish in the first round of sudden-death, clinching the win for the Saints;*

*Whereas, Though Cathedral had a chance to take the state title on its final penalty kick in the first penalty kick shootout, Saints goalkeeper Cecilia Garrett made a quick save to her left, forcing the sudden-death round;*

*Whereas, The Saints, led by coach James McCaig, finished the season with a 17-0-1 record and earned the school's first state championship in girls soccer since 2006; and*

*Whereas, Bishop Dwenger's hard work, grit, and determination were key to the team's success in winning the state title: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Bishop Dwenger High School girls soccer team on winning the 2020 IHSA Class 2A State Championship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Robert Morris for distribution.

The resolution was read a first time and adopted by voice vote.

## **ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1353 and 1418

Engrossed Senate Bills 82 and 245.

LEONARD, Chair

Report adopted.

## **HOUSE MOTION**

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1353 and 1418

Engrossed Senate Bills 82 and 245.

LEONARD, Chair

Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

Representatives Bartels, Eberhart, Hatcher, Lucas, Porter, Summers and VanNatter, who had been excused, are now present.

Representatives Speedy and Huston, who had been present, are now excused.

## **CONFERENCE COMMITTEE REPORT EHB 1418-1**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1418 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 16, line 14, delete "public financial resource agreements" and insert "**offer of public financial resources**".

Page 18, after line 15, begin a new paragraph and insert: "SECTION 10. IC 14-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The governor shall ~~annually~~ designate:

- (1) one (1) of the voting members of the commission as chairman; and
- (2) one (1) of the voting members of the commission as treasurer.

~~for terms expiring December 31.~~

**(b) The chairman and treasurer serve until:**

- (1) the governor designates another voting member of the commission as chairman or treasurer, respectively, under subsection (a); or**
- (2) the term of the member designated as chairman or treasurer, respectively, expires;**

**whichever occurs first.**

SECTION 11. IC 14-13-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The governor shall appoint an executive director for the commission.

**(b) The executive director serves as the chief administrative officer of the commission.**



(c) **The executive director shall implement the policies of the commission.**

(d) **The commission may delegate any of the commission's powers to the executive director.**

(e) **The executive director may:**

- (1) **hire and terminate commission staff; and**
- (2) **exercise supervisory duties with respect to the staff of the commission.**

SECTION 12. IC 25-34.1-2-1, AS AMENDED BY P.L.249-2019, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The Indiana real estate commission is created.

(b) ~~The Subject to IC 25-1-6.5-3, the~~ commission consists of the following:

- (1) ~~Nine (9) district members who must be a resident of a congressional district for not less than one (1) year. Each Indiana congressional district must be represented by one (1) individual appointed under this subdivision.~~
- (2) ~~One (1) real estate member at large. A member appointed under this subdivision may be appointed to the commission regardless of whether the member has been a resident in a congressional district for one (1) year.~~
- (3) ~~Two (2) citizen members at large.~~

~~A member described in subdivision (1) must be a resident of the represented district for not less than one (1) year. A member described in subdivision (1) or (2) must have engaged in business as a license broker for not less than five (5) years. Citizen members at large shall be appointed to represent the general public, must be residents of Indiana, and must have never been associated with the real estate business in any way other than as a consumer.~~

(c) Each member of the commission shall be appointed by the governor under IC 25-1-6.5.

(d) A member of the commission may not hold a state or federal elective office.

(e) A member may be removed under IC 25-1-6.5-4".

(Reference is to EHB 1418 as reprinted April 9, 2021.)

NEGELE	JON FORD
FLEMING	TAYLOR
House Conferees	Senate Conferees

Roll Call 489: yeas 89, nays 3. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 82-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 82 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-23.6-1-5.6 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.6. (a) **"Mental health diagnosis" means the evaluation of mental, emotional, behavioral, and addictive disorders and conditions by an individual who:**

**(1) uses accepted classifications, including the most current version of:**

- (A) the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM); and**
- (B) the International Classification of Diseases (ICD); and**

**(2) complies with:**

- (A) the education, training, experience, and licensure requirements set forth in IC 25-23.6-11-4; and**
- (B) the individual's professional scope of practice.**

**(b) The term does not include a physical diagnosis.**

SECTION 2. IC 25-23.6-1-5.9, AS ADDED BY P.L.122-2009, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.9. (a) **"Practice of clinical addiction counseling" means the providing of professional services that are delivered by a licensed clinical addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:**

- (1) gathering information through structured interview screens using routine protocols and standardized clinical instruments;**
- (2) using appraisal instruments as an aid in individualized treatment planning that the licensed clinical addiction counselor is qualified to employ because of:**

- (A) education;**
- (B) training; and**
- (C) experience;**

**(3) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders; as amended and supplemented; to the extent of the licensed clinical addiction counselor's education, training, experience, and scope of practice as established by this article; a mental health diagnosis;**

**(4) reviewing assessment findings to:**

- (A) develop a plan for individualized addiction treatment;**
- (B) coordinate services; and**
- (C) provide subsequent assessment updates;**

**(5) using counseling and psychotherapeutic techniques through individual, group, and family**

counseling to treat addiction and other substance related problems and conditions in a variety of settings, including:

- (A) mental and physical health facilities;
- (B) child and family service agencies; and
- (C) private practice;

(6) providing client and family education related to addictions;

(7) providing information on social networks and community systems for referrals and discharge planning;

(8) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals; and

(9) maintaining the highest level of professionalism and ethical responsibility.

(b) ~~The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).~~

SECTION 3. IC 25-23.6-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) "Practice of clinical social work" means professional services that are designed to help individuals, marriages, couples, families, groups, and communities to enhance or restore their capacity for functioning by:

- (1) assisting in the obtaining or improving of tangible social and health services;
- (2) providing **psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article; a mental health diagnosis;**
- (3) using appraisal instruments as an aid in treatment planning that the clinical social worker is qualified to employ by virtue of the counselor's education, training, and experience; and
- (4) counseling and psychotherapeutic techniques, casework social work advocacy, and treatment in a variety of settings that include mental and physical health facilities, child and family service agencies, or private practice.

(b) ~~The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).~~

SECTION 4. IC 25-23.6-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. "Practice of marriage and family therapy" means a specialty that:

- (1) uses an applied understanding of the dynamics of marital, relational, and family systems, and individual psychodynamics;
- (2) uses counseling and psychotherapeutic techniques;
- (3) **evaluates provides a mental health diagnosis** and treats mental and emotional conditions, resolves intrapersonal and

interpersonal conflict, and changes perceptions, attitudes, and behavior, all within the context of family, marital, and relational systems, including the use of accepted evaluation classifications; ~~including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;~~

(4) uses individual, group, couple, sexual, family, and divorce therapy; and

(5) uses appraisal instruments that evaluate individual, marital, relational, communicational, parent and child, and family functioning that the marriage and family therapist is qualified to employ by virtue of the counselor's education, training, and experience.

~~The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).~~

SECTION 5. IC 25-23.6-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7.5. "Practice of mental health counseling" means a specialty that:

(1) uses counseling and psychotherapeutic techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal concerns;

(2) ~~uses counseling to~~ **evaluate provide a mental health diagnosis** and treat emotional and mental problems and conditions in a variety of settings, including mental and physical health facilities, child and family service agencies, or private practice, and including the use of accepted evaluation classifications; ~~including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;~~

(3) administers and interprets appraisal instruments that the mental health counselor is qualified to employ by virtue of the counselor's education, training, and experience;

(4) uses information and community resources for personal, social, or vocational development;

(5) uses individual and group techniques for facilitating problem solving, decision making, and behavioral change;

(6) uses functional assessment and vocational planning guidance for persons requesting assistance in adjustment to a disability or disabling condition;

(7) uses referrals for individuals who request counseling services; and

(8) uses and interprets counseling research.

The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).

SECTION 6. IC 25-23.6-5-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:

(1) has not seen:

- (A) a physician licensed under IC 25-22.5;
- (B) an advanced practice registered nurse licensed under IC 25-23; or
- (C) a physician assistant licensed under IC 25-27.5;

within the previous twelve (12) months; or

(2) may have a physical condition that requires medical attention.

(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

- (A) a physician licensed under IC 25-22.5;
- (B) an advanced practice registered nurse licensed under IC 25-23; or
- (C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:

- (A) name;
- (B) address; and
- (C) telephone number;

of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

SECTION 7. IC 25-23.6-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:

(1) has not seen:

- (A) a physician licensed under IC 25-22.5;
- (B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5;

within the previous twelve (12) months; or

(2) may have a physical condition that requires medical attention.

(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

- (A) a physician licensed under IC 25-22.5;
- (B) an advanced practice registered nurse licensed under IC 25-23; or
- (C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:

- (A) name;
- (B) address; and
- (C) telephone number;

of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

SECTION 8. IC 25-23.6-8.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:

(1) has not seen:

- (A) a physician licensed under IC 25-22.5;
- (B) an advanced practice registered nurse licensed under IC 25-23; or
- (C) a physician assistant licensed under IC 25-27.5;

within the previous twelve (12) months; or

(2) may have a physical condition that requires medical attention.

(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

- (A) a physician licensed under IC 25-22.5;
- (B) an advanced practice

registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:

(A) name;

(B) address; and

(C) telephone number;

of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

SECTION 9. IC 25-23.6-10.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:

(1) has not seen:

(A) a physician licensed under IC 25-22.5;

(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5;

within the previous twelve (12) months; or

(2) may have a physical condition that requires medical attention.

(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

(A) a physician licensed under IC 25-22.5;

(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:

(A) name;

(B) address; and

(C) telephone number;

of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing

physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

SECTION 10. IC 25-23.6-11-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. An individual licensed under this article may not make a mental health diagnosis unless the individual meets all of the following criteria:

(1) Has at least sixty (60) clock hours (as defined in 34 CFR 600.2) of graduate studies in mental health diagnosis.

(2) Training that includes diagnostic categories from the most current version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Health Disorders (DSM) and the most current version of the International Classification of Diseases (ICD).

(3) Experience that includes at least one thousand (1,000) hours of supervised practice by an appropriately licensed supervisor, as determined by the board.

(4) Is licensed as at least one (1) of the following and meets the scope of practice requirements of that profession:

(A) Clinical social worker licensed under IC 25-23.6-5.

(B) Marriage and family therapist licensed under IC 25-23.6-8.

(C) Mental health counselor licensed under IC 25-23.6-8.5.

(D) Clinical addiction counselor licensed under IC 25-23.6-10.5.

(Reference is to ESB 82 as printed March 18, 2021.)

CRIDER

COOK

YODER

PORTER

Senate Conferees

House Conferees

Roll Call 490: yeas 92, nays 0. Report adopted.

Representative Speedy, who had been excused, is now present.

#### CONFERENCE COMMITTEE REPORT

##### ESB 245-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 245 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the

following:

SECTION 1. IC 4-32.3-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. "Accounting period" means the period of time for which a licensed entity reports to the gaming commission the entity's income, expenses, and charitable contributions.**

SECTION 2. IC 4-32.3-4-5, AS ADDED BY P.L.188-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The commission may issue an annual activity license to a qualified organization if the qualified organization:

- (1) meets the requirements of this section;
- (2) submits an application; and
- (3) pays a fee set by the commission under IC 4-32.3-6.

(b) The following information must be included in an annual activity license:

- (1) Whether the qualified organization is authorized to conduct bingo, pull tabs, punchboards, tip boards, or raffle activities on more than one (1) occasion during a one (1) year period.
- (2) The location of the allowable activities.
- (3) The expiration date of the license.

(c) A qualified organization may conduct casino game night activities under an annual activity license if the requirements of subsections (a) and (b) are met, and:

- (1) the organization is a qualified veteran organization or fraternal organization; and
- (2) the annual ~~casino night activity~~ license requires that a facility or location may not be used for purposes of conducting an annual casino game night activity on more than three (3) calendar days per calendar week regardless of the number of qualified organizations conducting annual casino night activities at the facility or location.

(d) An annual activity license may be reissued annually upon the submission of an application for reissuance on a form prescribed by the commission after the qualified organization has paid the fee under IC 4-32.3-6.

SECTION 3. IC 4-32.3-4-5.5, AS ADDED BY P.L.188-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) The commission may issue an annual ~~casino night activity~~ license to a bona fide civic organization for casino game night activities if:

- (1) the requirements of section 5(a) and 5(b) of this chapter are met;
- (2) not more than three (3) qualified organizations in the county where the bona fide civic organization operates currently possess an annual ~~casino night activity~~ license **for casino game night activities**; and
- (3) the bona fide civic organization owns or leases a standalone building where the casino game night activities will be conducted.

(b) The number of bona fide civic organizations holding a license issued under this section in a particular county may not

exceed one (1). In determining whether to grant a license under this section to a bona fide civic organization, the commission shall consider:

- (1) the character and reputation of the bona fide civic organization in furthering its charitable purpose; and
- (2) the bona fide civic organization's experience with and compliance in casino game night activities.

If more than one (1) otherwise qualified bona fide civic organization applies for a license under this section, the commission may award the license based on a random drawing.

(c) A license issued under this section to a bona fide civic organization described in subsection (a) is valid for a period of two (2) years, subject to ongoing compliance with this article and commission rules.

SECTION 4. IC 4-32.3-4-11, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) This section applies to a gambling activity other than a bingo event, casino game night, festival, pull tabs, punchboards, tip boards, or raffle.

(b) The commission may issue a single activity license **or an annual activity license** to conduct a gambling activity approved by the commission to a qualified organization upon the organization's submission of an application and payment of applicable fees under IC 4-32.3-6.

(c) A single activity license may:

- (1) authorize the qualified organization to conduct the gambling event at only one (1) time and location; and
- (2) state the date, beginning and ending times, and location of the gambling event.

(d) An annual activity license:

- (1) may authorize the qualified organization to conduct the activity on more than one (1) occasion during a period of one (1) year;
- (2) must state the locations of the permitted activities;
- (3) must state the expiration date of the license; and
- (4) may be reissued annually upon the submission of an application for reissuance on the form prescribed by the commission and upon the qualified organization's payment of the applicable fees under IC 4-32.3-6.

(e) The commission may impose any condition upon a qualified organization that is issued a license to conduct a gambling activity under this section.

SECTION 5. IC 4-32.3-5-3, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) All net proceeds from an allowable activity and related activities may be used only for the lawful purposes of the qualified organization, **including the:**

- (1) repair;
- (2) maintenance; or
- (3) improvement;

**of owned real property used for the lawful purposes of the**

**qualified organization.**

(b) To determine the net proceeds from an allowable activity, a qualified organization shall subtract the following from the gross receipts received from the allowable activity:

- (1) An amount equal to the total value of the prizes awarded at the allowable activity.
- (2) The sum of the purchase prices paid for licensed supplies dispensed at the allowable activity.
- (3) An amount equal to the qualified organization's license fees attributable to the allowable activity.
- (4) An amount equal to the advertising expenses incurred by the qualified organization to promote the allowable activity.
- (5) An amount not to exceed two hundred dollars (\$200) per day for rent paid for facilities leased for an allowable activity.

SECTION 6. IC 4-32.3-5-6, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. ~~(a) This section does not apply to a festival license.~~

~~(b)~~ **(a)** If a facility, location, or personal property is leased for an allowable activity, the rent may not be based in whole or in part on the revenue generated from the event.

~~(c)~~ **(b)** ~~Subject to the additional restrictions on the use of a facility or location for an annual casino game night,~~ A facility or location may not be rented for more than three (3) days during a calendar week for an allowable activity. **This subsection does not apply to a festival license.**

SECTION 7. IC 4-32.3-5-11, AS ADDED BY P.L.188-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) Except as provided in subsections (c) through (e), an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable activity that the operator or worker is conducting.

(b) A patron at a casino game night may deal the cards in a card game if:

- (1) the card game in which the patron deals the cards is a qualified card game;
- (2) the patron deals the cards in the manner required in the ordinary course of the qualified card game; and
- (3) the qualified card game is played under the supervision of the qualified organization conducting the casino game night in accordance with section 12 of this chapter (in the case of a game of Texas hold'em poker or Omaha poker) and any rules adopted by the commission.

A patron who deals the cards in a qualified card game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

- (1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.

(2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board event conducted on the same calendar day.

(d) A worker at a bingo event:

(1) whose duties are limited to:

- (A) selling bingo supplies;
- (B) selling tickets for a raffle conducted at the bingo event; or
- (C) the duties described in both clauses (A) and (B);

(2) who has completed all of the worker's duties before the start of the first bingo game of the bingo event; and

(3) who is not engaged as a worker at any other time during the bingo event;

may participate as a player in any gaming activity offered at the bingo event following the completion of the worker's duties at the bingo event.

(e) A worker at a raffle conducted by a qualified organization may purchase a raffle ticket for a particular drawing at the raffle, ~~unless:~~ **subject to the following restrictions:**

(1) ~~the worker personally sold tickets for; or The worker may not purchase a raffle ticket from himself or herself.~~

(2) ~~The worker otherwise personally participated in the conduct of; may not participate in the drawing of a winner.~~

~~that particular drawing.~~

SECTION 8. IC 4-32.3-5-14, AS ADDED BY P.L.188-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) Except as provided in:

- (1) section 8(c) of this chapter; **and**
- ~~(2) section 13 of this chapter; and~~
- ~~(3) (2) subsection (c);~~

a worker at an allowable event must be a member in good standing of the qualified organization that is conducting the allowable activity for at least thirty (30) days before the allowable activity.

(b) For purposes of this section, an individual is considered to be a member in good standing of the qualified organization if:

- (1) the individual has been a member in good standing of the qualified organization for at least thirty (30) days; and
- (2) the individual's authority to serve as a worker for the qualified organization has been acknowledged by the qualified organization on a form prescribed by the commission.

(c) A qualified organization may allow an individual who is not a member of the qualified organization to participate in an allowable activity as a worker if the individual is a full-time employee of the qualified organization that is conducting the allowable activity; or if:

- (1) the individual is a member of another qualified organization; and

- (2) the individual's participation is approved by the commission.

A qualified organization may apply to the commission on a form prescribed by the commission for approval of the participation of a nonmember under this subsection. A qualified organization may share the proceeds of an allowable activity with the qualified organization in which a worker participating in the allowable activity under this subsection is a member. The tasks that will be performed by an individual participating in an allowable activity under this subsection and the amounts shared with the individual's qualified organization must be described in the application and approved by the commission.

- (d) For purposes of:

- (1) the licensing requirements of this article; and
- (2) ~~section 9 of this chapter; IC 4-32.3-4-14(b);~~

a qualified organization that receives a share of the proceeds of an allowable activity described in ~~IC 4-32.3-4-14(a)~~ **subsection (c)** is not considered to be conducting an allowable activity.

SECTION 9. IC 4-32.3-5-15, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) The prize for:

- (1) one (1) bingo game may not have a value of more than one thousand dollars (\$1,000); and
- (2) a progressive bingo game may not have a value of more than two thousand dollars (\$2,000).

(b) Except as provided in subsection (c), the total prizes permitted at one (1) bingo event may not have a value of more than six thousand dollars (\$6,000).

~~(c) The commission may, by express authorization, allow any qualified organization to conduct two (2) bingo events each year at which the total prizes for each event may not exceed ten thousand dollars (\$10,000). Bingo events authorized under this subsection may be conducted at a festival.~~

~~(d) (c) The commission may, by express authorization, allow a qualified organization to conduct a bingo event in which the total prizes for the event may exceed ten six thousand dollars (\$10,000). (\$6,000). Bingo events authorized under this subsection may be conducted at a festival.~~

~~(e) (d) The proceeds of the sale of pull tabs, punchboards, and tip boards are not included in the total prize limit at a bingo event.~~

SECTION 10. IC 4-32.3-5-16, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) The total prizes awarded for one (1) pull tab, punchboard, or tip board game may not exceed ~~ten fifteen~~ thousand dollars ~~(\$10,000)- (\$15,000)~~.

- (b) A single prize awarded:

- (1) for one (1) winning ticket in a pull tab, punchboard, or tip board game may not exceed five hundred ninety-nine dollars (\$599);
- (2) in a game using a seal card may not exceed one thousand dollars (\$1,000); and
- (3) in a progressive or carryover pull tab game may not exceed ~~five~~ **fifteen** thousand dollars ~~(\$5,000)- (\$15,000)~~.

- (c) The selling price for one (1) ticket for a pull tab,

punchboard, or tip board game may not exceed one dollar (\$1).

SECTION 11. IC 4-32.3-5-17, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Except as provided in subsections ~~(b) and (b)~~, (c), **and (e)**, the following persons may not play or participate in any manner in an allowable activity:

- (1) A member or an employee of the commission.
- (2) A person less than eighteen (18) years of age.

(b) A member or employee of the commission may participate in an allowable activity if that person:

- (1) has received written authorization from the executive director to participate in an allowable activity; and
- (2) is participating only to the extent approved by the executive director.

(c) Except as provided in subsection (b), an employee of the commission or a relative of an employee of the commission living in the same household with the employee may not be an operator, worker, or a volunteer ticket taker.

(d) An employee, officer, or owner of a manufacturer or distributor is prohibited from participating in or affiliating in any way with the charity gaming operations of a qualified organization that an employee, officer, or owner is a member.

**(e) A person less than eighteen (18) years of age may sell tickets or chances for a raffle.**

SECTION 12. IC 4-32.3-5-19, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a) If a qualified organization is required to report a patron's gambling winnings to the Internal Revenue Service for federal income tax purposes, the winning patron shall provide the qualified organization with the information necessary to comply with all applicable state and federal tax laws.**

**(b) A qualified organization must abide by the rules and regulations of the Internal Revenue Service regarding reporting and withholding rules for charitable prizes paid.**

SECTION 13. IC 4-32.3-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.5. **(a) If a qualified organization is renewing a license issued under this article, the accounting period for the license ends on the last day of the calendar month that is two (2) months before the calendar month in which the license expires.**

**(b) If a qualified organization is not renewing a license issued under this article, the accounting period for the license ends on the day the license expires.**

SECTION 14. IC 4-32.3-6-3, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) A qualified organization holding a license under IC 4-32.2-4 (repealed) on June 30, 2019, is exempt from fees required under this section.

(b) Except as provided under subsections (c), (d), and (e), the license fee that is charged to a qualified organization in the first year that the qualified organization applies for a license is:

- (1) fifty dollars (\$50); or
- (2) the amount determined under subsection (c)



for a qualified organization issued an annual affiliate license for the first time.

(c) When a qualified organization is issued an annual affiliate license under IC 4-32.3-4-8 for the first time, the initial license fee is determined as follows:

(1) The fee is an amount equal to fifty dollars (\$50) per Indiana affiliate in the case of a qualified organization that:

(A) has not previously conducted an allowable activity; and

(B) consists of Indiana affiliates that have not previously conducted any allowable activities.

(2) In the case of a qualified organization that includes at least one (1) Indiana affiliate that conducted an allowable activity before the date the qualified organization applies for an annual affiliate license, the fee is equal to the greatest of the following:

(A) An amount equal to the sum of the license renewal fees determined under this chapter for the organization's Indiana affiliates in 2011.

(B) An amount equal to the sum of the license renewal fees determined under this chapter for the organization's Indiana affiliates during the twelve (12) month period ending on the date the qualified organization's license application is filed.

(C) Fifty dollars (\$50) per Indiana affiliate.

(d) The license fee that is charged to a qualified organization that is a bona fide veterans organization for a three (3) year charity gaming license under IC 4-32.3-4-16 for the first time the qualified organization has applied for that particular license type issued under IC 4-32.3-4 is fifty dollars (\$50).

(e) The license fee for a three (3) year charity gaming license that is charged **for the first time** to a qualified organization that is a bona fide veterans organization that currently holds a license issued under ~~IC 4-32.3-4-5, IC 4-32.3-4-6, IC 4-32.3-4-8, IC 4-32.3-4-5~~ or IC 4-32.3-4-11 **for the first time** is equal to the amount the bona fide veterans organization paid for the license it held under ~~IC 4-32.3-4-5, IC 4-32.3-4-6, IC 4-32.3-4-8, IC 4-32.3-4-5~~ or IC 4-32.3-4-11.

SECTION 15. IC 4-36-2-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17.5. "Seal card" means a board or placard used with pull tabs that contains one (1) or more seals that, when removed or opened, reveals a predesignated winning number, letter, symbol, or monetary denomination.**

SECTION 16. IC 4-36-2-20, AS AMENDED BY P.L.58-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. "Type II gambling game" means a pull tab, punchboard, or tip board game approved by the Indiana gaming commission for play

under IC 4-32.3, **including:**

**(1) raffles;**

**(2) progressive or carryover pull tab games; and**

**(3) sports-themed tip board and pull tab games approved by the commission in the commission's September 16, 2019, memorandum and waiver.**

SECTION 17. IC 4-36-5-1, AS AMENDED BY P.L.19-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A retailer may offer the sale of type II gambling games in accordance with this article.

(b) A retailer's endorsement also authorizes a retailer to conduct qualified drawings on the premises of the retailer's tavern. A qualified drawing must be conducted in the manner required by this section.

(c) A qualified drawing is subject to the following rules and limitations:

(1) The purchase price for a chance to win a prize in a qualified drawing may not exceed five dollars (\$5).

(2) This subdivision does not apply to a qualified drawing conducted under subdivision ~~(12): (11)~~. The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars (\$300) for any of the following:

(A) A daily drawing.

(B) A weekly drawing.

(C) A monthly drawing.

(3) A qualified drawing must be conducted in accordance with the following limitations:

(A) Not more than one (1) daily drawing may be conducted each day.

(B) Not more than one (1) weekly drawing may be conducted each week.

(C) Not more than one (1) monthly drawing may be conducted each month.

(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision ~~(10): (9)~~.

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision ~~(10): (9)~~.

A weekly or monthly drawing may be conducted on the same day that a daily drawing is conducted.

(4) Except as otherwise provided in this section, a patron must be present to claim a prize awarded in a qualified drawing.

(5) A retailer may profit from conducting a qualified drawing.

~~(6) A retailer may not conduct a qualified~~

drawing or any other event in which the winner of the prize is determined; in whole or in part, by a sporting event.

~~(7)~~ (6) If no winning ticket is drawn in a qualified drawing, a retailer may:

(A) carry the prize over to a later drawing in accordance with this section; or

(B) continue drawing tickets until a winner is drawn.

~~(8)~~ (7) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a retailer shall hold the prize for the winning patron in accordance with the rules of the retailer.

~~(9)~~ (8) In order to comply with subdivision ~~(8)~~, (7), a retailer shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing.

~~(10)~~ (9) A retailer must conspicuously display the following information concerning each qualified drawing conducted by the retailer:

(A) The price of a ticket.

(B) The time of the drawing.

(C) The description and value of the prizes awarded in the drawing.

(D) The manner in which a prize may be claimed.

(E) The rules of the retailer concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the retailer will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(F) Whether:

(i) the retailer will retain the profits realized from conducting the qualified drawing; or

(ii) the amount wagered on the qualified drawing will be returned to the retailer's patrons in the form of prizes.

~~(11)~~ (10) Notwithstanding any other provision of this chapter, a retailer must continue drawing tickets in a monthly drawing until the retailer draws a ticket purchased by a patron who is present to claim the prize.

~~(12)~~ (11) The following rules apply only to a qualified drawing from which the retailer retains the profits:

(A) Cash may not be awarded to the winner of the qualified drawing.

(B) All prizes must be in the form of merchandise other than alcohol or tobacco.

(C) The maximum amount of

wagers that a retailer may accept in the course of conducting the qualified drawing is five hundred dollars (\$500).

(d) When the winning patron is not present at the time of the qualified drawing to claim a prize, the retailer shall award the prize in the following manner:

(1) The retailer shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has the time permitted by the rules of the retailer, which must be at least seventy-two (72) hours, to claim the prize.

(2) The winning patron must appear at the retailer's premises within the time permitted by the rules of the retailer to claim the prize in person.

(3) The retailer shall verify the identity of the winning patron and award the prize.

(e) This subsection applies when the rules of a retailer require the retailer to carry over a prize when no winning ticket is drawn and when a winning patron fails to claim a prize in the manner required by subsection (d). The retailer shall carry the prize over to a later qualified drawing as follows:

(1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.

(2) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over, the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(3) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (3) not more than one (1) time. On the day that the retailer conducts a weekly drawing for the carried over prize, the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(f) The following apply to a retailer that carries over a prize under subsection (e):

(1) A retailer may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the retailer holds a prize for a winning patron who was not present at the time of a qualified drawing.

(2) If an unclaimed prize from a daily drawing is carried over to a particular date, the retailer may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a weekly drawing is carried over to a particular date, the retailer may not conduct the regular weekly drawing that

would otherwise be permitted under this section on that date.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may accept additional entries to a drawing for a carried over prize.

**(g) The following apply to a raffle drawing:**

**(1) A retailer may not retain more than twenty percent (20%) of the proceeds.**

**(2) A retailer must establish and publish house rules.**

**(3) The maximum amount of prizes in a raffle game is limited to thirty thousand dollars (\$30,000).**

SECTION 18. IC 4-36-5-5, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) **Except for a raffle game**, the total prizes awarded for one (1) type II gambling game may not exceed ~~five~~ **ten** thousand dollars (\$5,000): **(\$10,000).**

(b) A single prize awarded for one (1) winning ticket in a type II **pull tab, punchboard, or tip board** gambling game may not exceed five hundred ninety-nine dollars (\$599).

**(c) A single prize awarded for one (1) winning ticket on a seal card in a type II pull tab gambling game may not exceed one thousand dollars (\$1,000).**

**(d) A single prize awarded for one (1) winning ticket on a progressive or carryover pull tab game in a type II gambling game may not exceed five thousand dollars (\$5,000).**

~~(e)~~ **(e)** The selling price for one (1) ticket for a type II gambling game may not exceed one dollar (\$1). Tickets sold for less than one dollar (\$1) must be sold for a price specified in section 6(b) of this chapter.

(Reference is to ESB 245 as reprinted April 13, 2021.)

ALTING	SMALTZ
NIEZGODSKI	CARBAUGH
Senate Conferees	House Conferees

Roll Call 491: yeas 60, nays 33. Report adopted.

Representative Morris, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT

EHB 1353-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1353 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-5.5-5, AS AMENDED BY P.L.159-2020, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The

department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

(1) The key number (as defined in IC 6-1.1-1-8.5) of each parcel.

(2) With respect to each parcel, whether the entire parcel is being conveyed.

(3) The address of each improved parcel.

(4) The date of the execution of the form.

(5) The date the property was transferred.

(6) Whether the transfer includes an interest in land or improvements, or both.

(7) Whether the transfer includes personal property.

(8) An estimate of the value of any personal property included in the transfer.

(9) The name, address, and telephone number of:

(A) each transferor and transferee; and

(B) the person that prepared the form.

(10) The mailing address to which the property tax bills or other official correspondence should be sent.

(11) The ownership interest transferred.

(12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).

(13) Subject to subsection (c), the total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.

(14) The terms of seller provided financing.

(15) Any family or business relationship existing between the transferor and the transferee.

(16) A legal description of each parcel subject to the conveyance.

(17) Whether the transferee is using the form to claim one (1) or more deductions under IC 6-1.1-12-44 for property taxes first due and payable in a calendar year after 2008.

(18) If the transferee uses the form to claim the standard deduction under IC 6-1.1-12-37, the information required for a standard deduction under IC 6-1.1-12-37.

(19) Sufficient instructions and information to permit a party to terminate a standard deduction under IC 6-1.1-12-37 on any parcel of property on which the party or the spouse of the party will no longer be eligible for the standard deduction under IC 6-1.1-12-37 after the party or the party's spouse begins to reside at the property that is the subject of the sales disclosure form, including an explanation of the tax consequences and applicable penalties if a party unlawfully

claims a standard deduction under IC 6-1.1-12-37.

(20) Other information as required by the department of local government finance to carry out this chapter.

**(21) For transactions occurring after December 31, 2021, information required under IC 6-1.1-10-21(e) demonstrating proof of nonprofit status.**

If a form under this section includes the telephone number or part or all of the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).

(c) If the conveyance includes more than one (1) parcel as described in section 3(h) of this chapter, the form:

(1) is not required to include the price referred to in subsection (a)(13) for each of the parcels subject to the conveyance; and

(2) may state a single combined price for all of those parcels.

SECTION 2. IC 6-1.1-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. (a) The following tangible property is exempt from property taxation if it is owned by, or held in trust for the use of, a church or religious society:

(1) A building that is used for religious worship.

(2) The pews and furniture contained within a building that is used for religious worship.

(3) The tract of land upon which a building that is used for religious worship is situated.

(b) The following tangible property is exempt from property taxation if it is owned by, or held in trust for the use of, a church or religious society:

(1) A building that is used as a parsonage.

(2) The tract of land, not exceeding fifteen (15) acres, upon which a building that is used as a parsonage is situated.

(c) To obtain an exemption for parsonages, a church or religious society must provide the county assessor with an affidavit at the time the church or religious society applies for the exemptions. The affidavit must state that:

(1) all parsonages are being used to house one (1) of the church's or religious society's rabbis, priests, preachers, ministers, or pastors; and

(2) none of the parsonages are being used to make a profit.

The affidavit shall be signed under oath by the church's or religious society's head rabbi, priest, preacher, minister, or pastor.

(d) Property referred to in this section shall be assessed to the extent required under IC 6-1.1-11-9.

**(e) This subsection applies to transactions occurring after December 31, 2021. The sales disclosure form required under IC 6-1.1-5.5-5 shall include an attestation that property transferred under this subsection will continue to be used by a church or religious society for the same tax exempt purpose. A county assessor that reasonably suspects**

**that the property transferred is no longer being used by a church or religious society for the same tax exempt purpose may request articles of incorporation or bylaws to confirm the attestation. The request for articles of incorporation or bylaws to confirm the attestation must:**

**(1) be made in writing; and**

**(2) include a written explanation of the assessor's reasonable suspicion describing why the assessor believes that the property transferred is no longer being used by the church or religious society for the same tax exempt purpose.**

**Notwithstanding IC 6-1.1-11-4(e), when exempt property owned by a church or religious society, as described in subsection (a), is transferred to another church or religious society to be used for the same exempt purpose, the transferee church or religious society is not required to file a certified exemption application with the county assessor of the county in which the property that is the subject of the exemption is located. If the property remains eligible for the exemption under this section after the transfer, the exempt status of the property carries over to the transferee church or religious society.**

(Reference is to EHB 1353 as printed March 24, 2021.)

SPEEDY

PORTER

House Conferees

FREEMAN

QADDOURA

Senate Conferees

Roll Call 492: yeas 94, nays 0. Report adopted.

## CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1001      Conferees: Representative Cherry replacing Representative Porter

Advisors: Removing Representative Cherry

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 6:02 p.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 493: 73 present. The Speaker declared a quorum present.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after

April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1348

Engrossed Senate Bill 5.

LEONARD, Chair

Report adopted.

#### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1348

Engrossed Senate Bill 5.

LEONARD, Chair

Motion prevailed.

Representatives Carbaugh, Dvorak, Eberhart, Ellington, Frye, Lucas, Moed, Morris, Morrison, Pressel, VanNatter and Young, who had been present, are now excused.

Representative Jeter and Behning, who had been excused, are now present.

#### CONFERENCE COMMITTEE REPORT EHB 1348-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1348 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-8-2, AS AMENDED BY HEA 1271-2021, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 2. As used in this chapter:

(1) The term "bridge company" means a company which owns or operates a toll bridge or an approach or facility operated in connection with such a bridge.

(2) The term "bus company" means a company (other than a street railway company) which is principally engaged in the business of transporting persons for hire by bus in or through two (2) or more townships of this state.

(3) The term "definite situs" means a permanent location in one (1) taxing district or a customary location for use in one (1) taxing district.

(4) The term "express company" means a company which is engaged in the business of transporting property by land, air, or water, and which does not itself operate the vehicles (except for

terminal pickup and delivery vehicles) of transportation.

(5) The term "light, heat, or power company" means a company which is engaged in the business of furnishing light, heat, or power by electricity, gas, or steam. **The term includes a utility grade solar energy installation facility.**

(6) The term "pipe line company" means a company which is engaged in the business of transporting or transmitting any gas or fluid (except water) through pipes.

(7) The term "property" includes both tangible and intangible property.

(8) The term "public utility company" means a company which is subject to taxation under this chapter regardless of whether the company is operated by an individual, a partnership, an association, a corporation, a limited liability company, a fiduciary, or any other entity.

(9) The term "railroad company" means a company which owns or operates:

- (i) a steam or electric railroad;
- (ii) a suburban or interurban railroad;
- (iii) a switching or terminal railroad;
- (iv) a railroad station, track, or bridge; or
- (v) a facility which is part of a railroad system.

(10) The term "railcar company" means a company (other than a railroad company) which owns or operates cars for the transportation of property on railroads.

(11) The term "sleeping car company" means a company (other than a railroad company) which owns or operates cars for the transportation of passengers on railroads.

**(12) The term "solar land base rate" means the solar land base rates determined under section 24.5 of this chapter.**

~~(+2)~~ (13) The term "street railway company" means a company which operates a passenger transportation business principally within one (1) or more municipalities regardless of whether the transportation vehicles operate on tracks, by means of electric power transmitted through wires, or by means of automotive equipment.

~~(+3)~~ (14) The term "system" means all property owned or used by a public utility company or companies and operated as one (1) unit in furnishing a public utility service.

~~(+4)~~ (15) The term "telephone, telegraph, or cable company" means a company which is principally engaged in the business of communicating by electrical transmission.

~~(+5)~~ (16) The term "tunnel company" means a company which owns or operates a toll tunnel.

~~(+6)~~ (17) The term "unit value" means the total value of all the property owned or used by a public utility company.

**(18) The term "utility grade solar energy installation facility" means a renewable utility grade solar electricity facility that is used for the purpose of generating solar electricity for resale to consumers.**

~~(+7)~~ (19) The term "water distribution company" means a company which is engaged in the business of selling or distributing water by pipe, main, canal, or ditch.

**(20) The term "north region" means the region of the state consisting of Adams County, Allen County, Benton County, Blackford County, Carroll County, Cass County, DeKalb County, Elkhart County, Fulton County, Grant County, Howard County, Huntington County, Jasper County, Jay County, Kosciusko County, LaGrange County,**

Lake County, LaPorte County, Marshall County, Miami County, Newton County, Noble County, Porter County, Pulaski County, St. Joseph County, Starke County, Steuben County, Wabash County, Wells County, White County, and Whitley County.

(21) The term "central region" means the region of the state consisting of Boone County, Clay County, Clinton County, Delaware County, Fayette County, Fountain County, Franklin County, Hamilton County, Hancock County, Hendricks County, Henry County, Johnson County, Madison County, Marion County, Montgomery County, Morgan County, Owen County, Parke County, Putnam County, Randolph County, Rush County, Shelby County, Tippecanoe County, Tipton County, Union County, Vermillion County, Vigo County, Warren County, and Wayne County.

(22) The term "south region" means the region of the state consisting of Bartholomew County, Brown County, Clark County, Crawford County, Daviess County, Dearborn County, Decatur County, Dubois County, Floyd County, Gibson County, Greene County, Harrison County, Jackson County, Jefferson County, Jennings County, Knox County, Lawrence County, Martin County, Monroe County, Ohio County, Orange County, Perry County, Pike County, Posey County, Ripley County, Scott County, Spencer County, Sullivan County, Switzerland County, Vanderburgh County, Warrick County, and Washington County.

SECTION 2. IC 6-1.1-8-24, AS AMENDED BY P.L.146-2008, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Each year, a township assessor, or the county assessor if there is no township assessor for the township, shall assess the fixed property that as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the township or county.

(b) The township or county assessor shall determine the assessed value of fixed property. A township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. However, in a county with a township assessor in every township, the township assessor shall certify the list to the department of local government finance. The county assessor shall review the assessed values and shall certify the assessed values to the department of local government finance on or before April 10 of that year.

(c) This subsection applies to assessment dates after December 31, 2021. The land portion of the fixed property of a utility grade solar energy installation facility shall be assessed at an amount that does not exceed the solar land base rate for the region in which the property is located.

(d) Assessing officials shall follow the normal guidelines and procedures as are applicable under IC 6-1.1-20.6.

(e) This subsection applies to a utility grade solar energy installation facility:

- (1) that had the land portion of its fixed property assessed and valued on January 1, 2021, for property taxes first due and payable in 2022; and
- (2) for assessment dates after December 31, 2021, but only until the next planned

reassessment of the property during the county's four (4) year reassessment cycle under IC 6-1.1-4-4.2.

If, for an assessment date described in subdivision (2), the assessed value of the land portion of the fixed property of a utility grade solar energy installation facility described in this subsection for the January 1, 2021, assessment date is less than the solar land base rate for the region in which the property is located on a particular assessment date, the land portion of the fixed property of a utility grade solar energy installation facility shall be assessed at an amount equal to the assessed value determined for the January 1, 2021, assessment date.

SECTION 3. IC 6-1.1-8-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.5. The department of local government finance shall annually determine and release a solar land base rate for the north region, the central region, and the south region of the state as follows:

(1) For each region, the department shall determine the median true tax value per acre of all land in the region classified under the utility property class codes of the department of local government finance for the immediately preceding assessment date.

(2) The department shall release the department's annual determination of the solar land base rates on or before December 1 of each year.

SECTION 4. An emergency is declared for this act.

(Reference is to EHB 1348 as reprinted April 13, 2021.)

SOLIDAY	MESSMER
MOED	QADDOURA
House Conferees	Senate Conferees

Roll Call 494: yeas 82, nays 3. Report adopted.

Representatives Dvorak, Eberhart, Ellington, Lucas, Morris, Pressel, VanNatter and Young, who had been excused, are now present.

#### CONFERENCE COMMITTEE REPORT ESB 5-2

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 5 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-114.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 114.8. "Enforcement action", for purposes of IC 16-20 and

IC 16-22-8, includes an order, mandate, citation, administrative notice, business closure, or other action taken by the local board of health or the local health officer.

SECTION 2. IC 16-18-2-200 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 200. (a) Except as provided in subsections (b) and (c), "legislative body" has the meaning set forth in IC 36-1-2-9.

(b) For purposes of IC 16-20-1-21.5, "legislative body" has the meaning set forth in IC 16-20-1-21.5(c).

(c) For purposes of IC 16-20-5.5, "legislative body" has the meaning set forth in IC 16-20-5.5-1.

SECTION 3. IC 16-20-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Local health officers shall enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health.

(b) Any enforcement action taken under subsection (a) in response to:

- (1) a declared local public health emergency determined by a local health department or local health officer; or
- (2) a disaster emergency declared by the governor under IC 10-14-3-12;

is appealable under IC 16-20-5.5.

SECTION 4. IC 16-20-1-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.

(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "legislative body" means the following:

- (1) Except as provided in subdivision (2), the board of county commissioners for a county operating a county health department under IC 16-20-2 or participating in a multiple county health department under IC 16-20-3.
- (2) The county council for a county that is subject to IC 36-2-3.5.
- (3) The common council, for a city (as defined in IC 36-1-2-3) that operates a city health department under IC 16-20-4.

(d) As used in this section, "local order" refers to the health laws, ordinances, orders, rules, and regulations of a board of health under this chapter.

(e) If a local order addresses any aspect of a declared emergency addressed by an executive order, the local order may be less stringent than the executive order to the extent permitted by the executive order.

(f) If a local order addresses any aspect of a declared emergency that is not addressed by an executive order or if a local order addresses an aspect of a declared emergency more stringently than an executive order, the local order may not take effect, or remain in effect, unless the local order is approved as follows:

- (1) If the local order is issued by the health department of a county, the local order must be approved by the county legislative body.
- (2) If the local health order is issued by a

health department that serves multiple counties, the local order may take effect, or remain in effect, for a particular county served by the department if the legislative body of that county approves the local order.

(3) If the local order is issued by the health department of a city, the local order must be approved by an ordinance adopted by the city legislative body that is:

- (A) approved by the mayor; or
- (B) passed over the mayor's veto by a two-thirds (2/3) vote.

(g) A legislative body may approve a local order under subsection (f) at a meeting called to deal with an emergency as long as notice of the meeting is provided in accordance with IC 5-14-1.5-5(d).

SECTION 5. IC 16-20-1-26, AS AMENDED BY P.L.122-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) Unless an enforcement action is being appealed under IC 16-20-5.5 and is stayed by the appropriate legislative body under IC 16-20-5.5-2, and except as otherwise provided in this section, a local board of health or local health officer may enforce the board's or officer's orders, citations, and administrative notices by an action in the circuit or superior court. A local board of health or local health officer may file an action to enforce an order, citation, or administrative notice:

- (1) at any time, with the specific prior authorization of the appropriate legislative body;
- (2) at any time after the filing of an appeal under IC 16-20-5.5, if the appeal was not stayed under IC 16-20-5.5-2; or
- (3) not earlier than seven (7) days after issuance of the order, citation, or administrative notice;

whichever occurs first.

(b) The court may take any appropriate action in a proceeding under this section, including any of the following:

- (1) Issuing an injunction.
- (2) Entering a judgment.
- (3) Issuing an order and conditions under IC 16-41-9.
- (4) Ordering the suspension or revocation of a license.
- (5) Ordering an inspection.
- (6) Ordering that a property be vacated.
- (7) Ordering that a structure be demolished.
- (8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).
- (9) Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.
- (10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.
- (11) Ordering a local board of health or local



health officer to take appropriate action to enforce an order within a specified time.

(b) (c) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive, local board of health, or health and hospital corporation employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

(d) **A recipient of any enforcement action described in section 19(b) of this chapter may:**

- (1) **appeal the enforcement action under IC 16-20-5.5; or**
- (2) **bring an action directly in the circuit or superior court.**

**However, a recipient who brings an action directly in the circuit or superior court waives the right to appeal under IC 16-20-5.5, and any appeal under IC 16-20-5.5 that is pending at the time the recipient files an action in the circuit or superior court is dismissed by operation of law.**

SECTION 6. IC 16-20-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) A local health officer may be removed only for ~~failure to:~~ **one (1) of the following reasons:**

- (1) **A failure to perform the officer's statutory duties. ~~or~~**
- (2) **A failure to enforce the rules of the state department.**
- (3) **Other good cause.**

(b) Except as provided in IC 16-19-3-12, IC 16-19-3-13, and IC 16-19-3-15, a local health officer may be removed only by the board that appointed the health officer.

(c) When removal of a local health officer is sought by the appointing authority, the local health officer is entitled to the following:

- (1) At least five (5) days notice.
- (2) An open hearing.
- (3) Representation by counsel.

SECTION 7. IC 16-20-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) All members of a local board of health shall be appointed for a term of four (4) years. **Each member serves until a successor is appointed and qualified.**

(b) Unless otherwise required by law, after December 31, 1991, the board members serve staggered terms. The appointing authority shall appoint the members of a board in existence on December 31, 1991, and the initial members of a board established after December 31, 1991, as follows:

- (1) One (1) member must be appointed for one (1) year.
- (2) Two (2) members must be appointed for two (2) years.
- (3) Two (2) members must be appointed for three (3) years.
- (4) Two (2) members must be appointed for four (4) years.

SECTION 8. IC 16-20-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Each local board of health shall appoint a health officer to serve for

a term of four (4) years. **The health officer serves until a successor is appointed and qualified.** The health officer must be a licensed physician. **After June 30, 2021, the appointment of a local health officer is subject to the approval of the appropriate county legislative body. If the appropriate county legislative body fails to approve a nominated individual on two (2) separate occasions, the individual is barred from further consideration for the position.**

(b) The appointment shall be certified by the county executive and sent to the state department. The state department shall maintain a record of the certification.

(c) The health officer is eligible for reappointment.

(d) The health officer is the executive officer of the local health department and shall serve as secretary of the local board of health.

SECTION 9. IC 16-20-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A multiple county board of health shall appoint a health officer to serve for a term of four (4) years. The health officer must be a licensed physician. **After June 30, 2021, the appointment of the health officer is subject to the approval of the legislative body of each participating county. If the legislative bodies of the participating counties fail to approve the nominated individual on two (2) separate occasions, the individual is barred from further consideration for the position.**

(b) The appointment of the health officer shall be certified by the county executive of each participating county and sent to the state department for the state department's records.

(c) The health officer is eligible for reappointment **and serves until a successor is appointed and qualified.**

(d) The health officer is the executive officer of the multiple county health department and shall serve as secretary of the multiple county board of health.

SECTION 10. IC 16-20-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **Chapter 5.5. Appeal of Local Health Enforcement Actions**

**Sec. 1. As used in this chapter, "legislative body" means the following:**

- (1) Except as provided in subdivision (2):
  - (A) the board of county commissioners, for a county that operates a local board of health under IC 16-20-2; or
  - (B) the board of county commissioners in the county where the person or property that is the subject of the enforcement action is located, if the county participates in a multiple county health department under IC 16-20-3.
- (2) The county council for a county that is subject to IC 36-2-3.5.
- (3) The common council, for a city (as

defined in IC 36-1-2-3) that operates a city health department under IC 16-20-4.

**Sec. 2. (a)** A recipient may appeal to the legislative body an enforcement action issued or taken by a local board of health or local health officer under IC 16-20-1 in response to:

- (1) a declared local public health emergency determined by a local health department or local health officer; or
- (2) a disaster emergency declared by the governor under IC 10-14-3-12;

in a manner prescribed by the legislative body.

(b) In order to make an appeal under this chapter, the recipient of the enforcement action must file the appeal with the legislative body not later than seven (7) days from the issuance of the enforcement action. Upon the proper filing of an appeal under this section by a recipient, the legislative body may stay the enforcement action until final disposition of the appeal.

**Sec. 3. (a)** The legislative body shall determine whether to hear an appeal filed under section 2 of this chapter not later than fifteen (15) days from the filing of the appeal and may issue a denial of an appeal at any time after the filing of the appeal. Any appeal granted consideration by the legislative body must be heard at a public meeting of the legislative body held not later than fifteen (15) days after the date that the legislative body determines to hear the appeal.

(b) The legislative body shall develop procedures for the review, consideration, and hearing of an appeal filed under this chapter. The procedures must include the following:

- (1) Standards for evaluating an enforcement action appealed under this chapter.
- (2) A procedure for consolidating appeals if there are at least two (2) appeals filed:
  - (A) from the same order; or
  - (B) involving a common question of law and fact.
- (3) Written notice to the appellant and the local board of health or local health officer that issued the enforcement action of the appeal of that action, and the date, time, and location of any hearing concerning the appeal.
- (4) Procedures for the sharing of information between parties and the legislative body concerning the circumstances resulting in the enforcement action.
- (5) The order of the proceedings.
- (6) The issuance of a ruling on the appeal following the public hearing by the legislative body not later than fifteen (15) days from the date of the hearing.
- (7) The maintenance of records concerning a request for appeal and any documentation resulting from the investigation and hearing of the appeal.

(c) The following apply unless the legislative body has, not later than fifteen (15) days after the filing of the appeal, placed the appeal on the agenda for a meeting of the

legislative body:

- (1) The appeal is considered denied.
- (2) The legislative body shall inform the person that filed the appeal in writing that the appeal will not be heard and is considered denied.
- (3) The considered denial of the appeal is a final disposition of the appeal.

**Sec. 4.** The appellant, or a representative of the appellant, must be present at a hearing conducted by the legislative body. The failure of the local board of health or local health officer that issued the enforcement action to be present is not a cause for postponement of the hearing unless the local board of health or local health officer requests and is granted a continuance. The granting of a continuance does not modify any time requirements under this chapter.

**Sec. 5. (a)** The legislative body shall issue a written decision for any appeal that receives a hearing under this chapter. The written decision must appear in the written records of the legislative body.

(b) A decision under this section is appealable to a circuit or superior court with jurisdiction in the county.

(c) If an appeal is denied by the legislative body or is ruled in favor of the local board of health or local health officer, the enforcement actions under IC 16-20-1-26 apply.

**SECTION 11.** IC 16-22-8-30, AS AMENDED BY P.L.184-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 30. (a)** The board shall appoint a director of the division of public health to serve for a term of four (4) years unless sooner removed for cause. The director is eligible for reappointment and serves until a successor is appointed and qualified. The director must hold a license to practice medicine in Indiana.

(b) After June 30, 2021, the appointment of the director of the division of public health is subject to the approval of the city-county council. If the city-county council fails to approve a nominated individual on two (2) separate occasions, the individual is barred from further consideration for the position.

**SECTION 12.** IC 16-22-8-31, AS AMENDED BY P.L.194-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31. (a)** The director of the division of public health has the powers, functions, and duties of a local health officer.

(b) Unless an enforcement action is being appealed and is stayed by the Marion County city-county council under section 31.5 of this chapter, orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), IC 34-28-5-1, IC 36-1-6-4, or IC 36-7-9-17. A civil action filed under this subsection may be filed:

- (1) at any time, with the specific prior authorization of the Marion County city-county council;
- (2) at any time after the filing of an appeal under section 31.5 of this chapter, if the

appeal was not stayed under section 31.5(c) of this chapter; or

(3) not earlier than seven (7) days after issuance of the order, citation, or administrative notice;

whichever occurs first.

(c) A public health authority may petition a circuit or superior court for an order of isolation or quarantine by filing a civil action in accordance with IC 16-41-9.

(d) Unless otherwise provided by law, a change of venue from the county may not be granted for court proceedings initiated under this section.

(e) A change of venue from a judge must meet the requirements in IC 34-35-3-3 for court proceedings initiated under this section.

SECTION 13. IC 16-22-8-31.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.3. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.

(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "local order" refers to the health laws, ordinances, orders, rules, and regulations issued under this chapter.

(d) If a local order addresses any aspect of a declared emergency addressed by an executive order, the local order may be less stringent than the executive order to the extent permitted by the executive order.

(e) If a local order addresses any aspect of a declared emergency that is not addressed by an executive order or if a local order addresses an aspect of a declared emergency more stringently than an executive order, the local order may not take effect, or remain in effect, unless the order is approved by an ordinance adopted by the Marion County city-county council that is:

- (1) approved by the mayor of the consolidated city; or
- (2) passed over the mayor's veto by a two-thirds (2/3) vote.

(f) The Marion County city-county council may approve a local order under subsection (e) at a meeting called to deal with an emergency as long as notice of the meeting is provided in accordance with IC 5-14-1.5-5(d).

SECTION 14. IC 16-22-8-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.5. (a) The recipient of an enforcement action taken by the division of public health through its powers, functions, and duties described in section 31(a) of this chapter in response to:

- (1) a declared local public health emergency determined by a local health department or local health officer; or
- (2) a disaster emergency declared by the governor under IC 10-14-3-12;

may appeal the enforcement action to the Marion County city-county council in the manner prescribed by the city-county council.

(b) In order to appeal the enforcement action under this section, the recipient of the enforcement action must file an

appeal of the enforcement action with the city-county council not later than seven (7) days from the issuance of the enforcement action. Upon the proper filing of an appeal under this section by a recipient, the city-county council may stay the enforcement action until final disposition of the appeal.

(c) The city-county council may determine whether or not to hear an appeal filed under subsection (b) and may issue a denial of an appeal at any time. If the city-county council determines to hear an appeal, the city-county council must hear the appeal at a public meeting of the city-county council held not later than fifteen (15) days after the date that the city-county council determines to hear the appeal.

(d) The city-county council shall develop procedures for the review, consideration, and hearing of an appeal under this section. The procedures must include the following:

(1) Standards for evaluating an enforcement action appealed under this section.

(2) A procedure for consolidating appeals if there are at least two (2) appeals filed:

- (A) from the same order; or
- (B) involving a common question of law and fact.

(3) Written notice to the appellant and the division of public health that issued the enforcement action of the appeal of that action, and the date, time, and location of any hearing concerning the appeal.

(4) Procedures for the sharing of information between parties and the city-county council concerning the circumstances resulting in the enforcement action.

(5) The order of the proceedings.

(6) The issuance of a ruling on the appeal following the public hearing by the city-county council not later than fifteen (15) days from the date of the hearing.

(7) The maintenance of records concerning a request for appeal and any documentation resulting from the investigation and hearing of the appeal.

(e) The following apply unless the city-county council has, not later than fifteen (15) days after the filing of the appeal, placed the appeal on the agenda for a meeting of the city-county council:

(1) The appeal is considered denied.

(2) The city-county council shall inform the person that filed the appeal in writing that the appeal will not be heard and is considered denied.

(3) The considered denial of the appeal is a final disposition of the appeal.

(f) The appellant, or a representative of the appellant, must be present at a hearing conducted by the city-county council in order for the appeal to be heard. The failure of the division of public health to be present is not a cause for postponement of the hearing unless the division requests and is granted a continuance. The granting of a continuance

does not modify any time requirements under this section.

(g) The city-county council shall issue a written decision for any appeal that receives a hearing under this chapter. The written decision must appear in the written records of the city-county council.

(h) A decision under this section is appealable to a circuit or superior court with jurisdiction in the county.

(i) If an appeal is denied by the city-county council or the city-county council rules in favor of the division of public health, the enforcement actions under section 31 of this chapter apply.

SECTION 15. IC 16-22-8-31.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.7. (a) This section applies to a recipient of an enforcement action taken by the division of public health through its powers, functions, and duties described in section 31(a) of this chapter in response to:**

(1) a declared local public health emergency determined by a local health department or local health officer; or

(2) a disaster emergency declared by the governor under IC 10-14-3-12.

(b) A recipient of any enforcement action described in subsection (a) may:

(1) appeal the enforcement action under section 31.5 of this chapter; or

(2) bring an action directly in the circuit or superior court.

However, a recipient who brings an action directly in the circuit or superior court waives the right to appeal under section 31.5 of this chapter, and any appeal under section 31.5 of this chapter that is pending at the time the recipient files an action in the circuit or superior court is dismissed by operation of law.

SECTION 16. An emergency is declared for this act.

(Reference is to ESB 5 as reprinted April 6, 2021.)

GARTEN

LEHMAN

CRANE

CLERE

Senate Conferee

sHouse Conferees

Roll Call 495: yeas 65, nays 29. Report adopted.

## CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1115 Conferees: Representative Steuerwald replacing Representative Miller

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

SB 383 Conferees: Representative Thompson replacing Representative Porter

SB 413 Conferees: Representative Davis replacing Representative DeLaney

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 2, Roll Call 241, on March 8, 2021. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote the machine had closed and I was unable to register my vote. I intended to vote YEA."

HOSTETTLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 241 to 93 yeas, 2 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on second reading amendment 1 to Engrossed Senate Bill 336, Roll Call 310, March 29, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the YEA button when I intended to vote NAY."

FLEMING

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 310 to 22 yeas, 67 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 94, Roll Call 350, on April 5, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the YEA button when I intended to vote NAY."

AUSTIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 94, Roll Call 350, on April 5, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the YEA button when I intended to vote NAY."

SHACKLEFORD

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 350 to 84 yeas, 11 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 251, Roll Call 366, on April 6, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

PRESSEL

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 366 to 59 yeas, 33 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on second reading amendment 4 to Engrossed Senate Bill 271, Roll Call 361, on April 6, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote the machine had closed. I intended to vote YEA."

JUDY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 361 to 72 yeas, 22 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the motion to concur of Engrossed House Bill 1438, Roll Call 391, on April 8, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

PRYOR

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 391 to 87 yeas, 1 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 409, Roll Call 379, on April 8, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the YEA button when I intended to vote NAY."

AUSTIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 379 to 63 yeas, 25 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the Motion to Concur of Engrossed House Bill 1516, Roll Call 394, on April 8, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

GORE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 394 to 81 yeas, 5 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 414, Roll Call 430, on April 13, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted.

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 414, Roll Call 430, on April 13, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

JOHNSON

There being a constitutional majority voting in favor of the petition, the petition was adopted.

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 414, Roll Call 430, on April 13, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

GORE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note:*

*this changes the vote tally for Roll Call 430 to 69 years, 26 days.]*

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 353, Roll Call 433, on April 13, 2021. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote the machine had closed and I was unable to register my vote. I intended to vote NAY."

HAMILTON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 433 to 71 years, 23 days.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the Motion to Concur of Engrossed House Bill 1437, Roll Call 390, on April 8, 2021. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote the machine had closed and I was unable to register my vote. I intended to vote YEA."

JACKSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 390 to 82 years, 6 days.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 310, Roll Call 435, on April 13, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY when I intended to vote YEA."

ANDRADE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 435 to 88 years, 3 days.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 414, Roll Call 430, on April 13, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

MOED

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 430 to 70 years, 25 days.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1164, Roll Call 472, on April 20, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the YEA button when I intended to vote NAY."

ABBOTT

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 472 to 55 years, 36 days.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the adoption of Conference Committee Report #1 to Engrossed House Bill 1190, Roll Call 477, on April 21, 2021. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the NAY button when I intended to vote YEA."

PRYOR

There being a constitutional majority voting in favor of the petition, the petition was adopted.

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1190, Roll Call 477, on April 21, 2021. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote the machine had closed and I was unable to register my vote. I intended to vote YEA."

MORRISON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 477 to 58 years, 30 days.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the Appeal of the Ruling of the Chair vote for Amendment #1 on Senate Bill 204, Roll Call 309, on March 29, 2021. I was absent until after this roll call. I would like to be shown as excused instead of not voting.

HOSTETTLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 309 to 87 years, 3 days.*]

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 7:38 p.m. with the Speaker in the Chair.

Upon request of Representative Lehman, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 496: 86 present. The Speaker declared a quorum present.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1001, 1191 and 1468

Engrossed Senate Bills 409 and 55.

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1001, 1191 and 1468

Engrossed Senate Bills 409 and 55.

LEONARD, Chair

Motion prevailed.

Representatives Baird, Lindauer, May and Vermilion, who had been present, are now excused.

Representative Carbaugh, who had been excused, is now present.

### CONFERENCE COMMITTEE REPORT

#### EHB 1191-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1191 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be

further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning energy.

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 2. IC 8-1-8.5-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.2. (a) This section applies to an electric utility that submits an integrated resource plan described in section 3(e) of this chapter after June 30, 2021, and before January 1, 2025.**

**(b) Except as otherwise provided in this section, the definitions in 170 IAC 4-7 apply throughout this section.**

**(c) As used in this section, "electric utility" refers to an electric utility listed in 170 IAC 4-7-2(a).**

**(d) As used in this section, "federal phaseout mandate" means any federal statutory or regulatory requirement that:**

**(1) is established after April 20, 2021, by the Congress of the United States, a federal regulatory agency, or a federal executive order; and**

**(2) requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source.**

**(e) In reviewing an integrated resource plan submitted by an electric utility after June 30, 2021, the commission shall evaluate the impact of federal phaseout mandates on the estimated useful lives of both:**

**(1) the existing electric generating facilities of the electric utility; and**

**(2) any proposed electric generating facilities of the electric utility;**

**including depreciation expense associated with such facilities, as set forth in the integrated resource plan.**

SECTION 3. IC 8-1-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) As used in this section, "federal phaseout mandate" means any federal statutory or regulatory requirement that:**

**(1) is established after April 20, 2021, by the Congress of the United States, a federal regulatory agency, or a federal executive order; and**

**(2) requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source.**

**(b) In acting upon any petition for the construction, purchase, or lease of any facility for the generation of electricity, the commission shall take into account the following:**

**(1) The applicant's current and potential arrangement with other electric utilities for:**

**(A) the interchange of power;**

**(B) the pooling of facilities;**

**(C) the purchase of power; and**

**(D) joint ownership of facilities.**

**and**

**(2) Other methods for providing reliable, efficient, and economical electric service,**

including the refurbishment of existing facilities, conservation, load management, cogeneration and renewable energy sources.

(3) With respect to a petition that:

- (A) is for the construction of a new generating facility; and
- (B) is submitted to the commission after June 30, 2021, and before January 1, 2025;

the impact of federal phaseout mandates on the estimated useful life of each proposed generating facility included in the petition, including depreciation expense associated with each facility."

Page 3, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1191 as reprinted April 13, 2021.)

PRESSEL	KOCH
LINDAUER	HOUCHIN
House Conferees	Senate Conferees

Roll Call 497: yeas 61, nays 29. Report adopted.

Representative Behning, who had been present, is now excused.

#### CONFERENCE COMMITTEE REPORT EHB 1468-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1468 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 0.3. "9-8-8 crisis hotline center", for purposes of IC 12-21-8, has the meaning set forth in IC 12-21-8-1.**

SECTION 2. IC 12-7-2-51.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 51.6. "Crisis receiving and stabilization services", for purposes of IC 12-21-8, has the meaning set forth in IC 12-21-8-2.**

SECTION 3. IC 12-7-2-131.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 131.4. "Mobile crisis team", for purposes of IC 12-21-8, has the meaning set forth in IC 12-21-8-3.**

SECTION 4. IC 12-7-2-131.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 131.9. "National suicide prevention lifeline", for purposes of**

**IC 12-21-8, has the meaning set forth in IC 12-21-8-4.**

SECTION 5. IC 12-7-2-136.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 136.8. "Peer", for purposes of IC 12-21-8, has the meaning set forth in IC 12-21-8-5.**

SECTION 6. IC 12-15-1.3-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. (a) Before December 1, 2021, the office shall apply to the United States Department of Health and Human Services for an amendment to the state Medicaid plan that would require reimbursement by:**

- (1) the office; or
- (2) a contractor of the office;

**for eligible Medicaid rehabilitation option services provided by a behavioral health professional or other behavioral health professional authorized to provide Medicaid services working in a community mental health center for any Medicaid eligible recipient who is undertaking initial assessment, intake, or counseling in a community mental health center before the development of a plan of treatment. This subsection expires December 31, 2021.**

**(b) A community mental health center shall commence a plan of treatment within two (2) weeks for a Medicaid recipient who receives services under this section.**

SECTION 7. IC 12-15-1.3-22 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22. Before December 1, 2021, the office shall apply to the United States Department of Health and Human Services for an amendment to the state Medicaid plan to require Medicaid reimbursement for the purpose of authorizing Medicaid rehabilitation option services as an eligible service concurrent with reimbursement under the residential treatment program, level of care 3.1 for the clinically managed low-intensity residential services facilities, as set forth by the American Society of Addiction Medicine (ASAM), if the authorized Medicaid rehabilitation option services are not currently reimbursed as an eligible service under the ASAM 3.1 level of care Section 1115 Medicaid demonstration waiver bundled rate.**

SECTION 8. IC 12-15-5-11, AS AMENDED BY SEA 3-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 11. (a) As used in this section, "telehealth activities" means the use of telecommunications and information technology to provide access to:**

- (1) health assessment;
- (2) diagnosis;
- (3) intervention;
- (4) consultation;
- (5) supervision; and
- (6) information;

across a distance.

(b) As used in this section, "telehealth services" has the meaning set forth for "telehealth" in IC 25-1-9.5-6.

(c) The office shall reimburse a Medicaid provider who is licensed as a home health agency under IC 16-27-1 for telehealth activities.



(d) The office shall reimburse the following Medicaid providers for medically necessary telehealth services:

- (1) A federally qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)).
- (2) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).
- (3) A community mental health center certified under IC 12-21-2-3(5)(C).
- (4) A critical access hospital that meets the criteria under 42 CFR 485.601 et seq.
- (5) A provider, as determined by the office to be eligible, providing a covered telehealth service.

(e) The office may not impose any distance restrictions on providers of telehealth activities or telehealth services. Before December 31, 2017, the office shall do the following:

- (1) Submit a Medicaid state plan amendment with the United States Department of Health and Human Services that eliminates distance restrictions for telehealth activities or telehealth services in the state Medicaid plan.
- (2) Issue a notice of intent to adopt a rule to amend any administrative rules that include distance restrictions for the provision of telehealth activities or telehealth services.

(f) Subject to federal law, the office may not impose any location requirements concerning the originating site or distant site in which a telehealth service is provided to a Medicaid recipient.

(g) A Medicaid recipient waives confidentiality of any medical information discussed with the health care provider that is:

- (1) provided during a telehealth visit; and
- (2) heard by another individual in the vicinity of the Medicaid recipient during a health care service or consultation.

**(h) For purposes of a community mental health center, telehealth services satisfy any face to face meeting requirement between a clinician and consumer.**

~~(h)~~ (i) The office shall implement any part of this section that is approved by the United States Department of Health and Human Services.

~~(h)~~ (j) The office may adopt rules under IC 4-22-2 necessary to implement and administer this section.

SECTION 9. IC 12-21-4-3, AS AMENDED BY HEA 1564-2021, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The council consists of the following twenty-nine (29) members, not less than fifty percent (50%) of whom must be individuals who are not state employees or providers of mental health services:

- (1) The director.
- (2) The secretary of education or the secretary's designee.
- (3) The director of the office of Medicaid policy and planning, or the secretary's designee.
- (4) The director of the bureau of rehabilitation services or the director's designee.
- (5) The executive director of the Indiana housing and community development authority created by IC 5-20-1-3 or the executive director's designee.

(6) The director of the criminal justice institute or the director's designee.

(7) The director of the department of child services or the director's designee.

(8) Twenty-two (22) individuals, **at least two (2) of whom are community mental health center chief executive officers or a chief executive officer's designee**, who:

(A) are appointed by the secretary;

(B) have a recognized knowledge of or interest in the programs administered by the division, including representatives of parents of children with serious emotional disturbances;

(C) are appointed for a term of four (4) years; and

(D) serve until a successor is appointed.

SECTION 10. IC 12-21-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 8. 9-8-8 Crisis Hotline Centers and Mobile Crisis Teams**

**Sec. 1. As used in this chapter, "9-8-8 crisis hotline center" or "center" means a state identified center participating in the national suicide prevention lifeline network to respond to statewide or regional 9-8-8 calls.**

**Sec. 2. As used in this chapter, "crisis receiving and stabilization services" means behavioral health services that provide short term, less than twenty-four (24) hour care with the capacity for diagnosis, initial management, observation, crisis stabilization, and follow-up referral services to a person in a homelike environment.**

**Sec. 3. As used in this chapter, "mobile crisis team" means behavioral health professionals and peers that provide professional onsite community based intervention, including deescalation, stabilization, and treatment for individuals who are experiencing a behavioral health crisis.**

**Sec. 4. As used in this chapter, "national suicide prevention lifeline" means a nationally certified network of local crisis centers that provide free and confidential emotional support to people in suicidal crisis or emotional distress on a twenty-four (24) hours a day, seven (7) days a week basis.**

**Sec. 5. As used in this chapter, "peer" means an individual employed on the basis of the individual's personally lived experience with mental illness or addiction and recovery and meets the requirements of peer certification established by the division.**

**Sec. 6. (a) The division has primary oversight over suicide prevention and crisis services activities and essential coordination with designated 9-8-8 crisis hotline centers. The division shall work with the national suicide prevention lifeline and the Veterans Crisis Hotline networks for the**

purpose of ensuring consistency of public messaging concerning 9-8-8 services.

(b) Not later than July 1, 2022, the division may designate at least one (1) 9-8-8 crisis hotline center in Indiana to coordinate crisis intervention services and crisis care coordination to individuals accessing the 9-8-8 suicide prevention and behavioral health crisis hotline (9-8-8 crisis hotline) from anywhere in Indiana twenty-four (24) hours a day, seven (7) days a week.

(c) In order to be designated by the division under subsection (b), a 9-8-8 crisis hotline must meet the following:

- (1) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within the network.
- (2) Comply with the national suicide prevention lifeline requirements and best practice guidelines for operational and clinical standards.
- (3) Use technology, including chat and texting that is interoperable between and across crisis and emergency response systems used throughout Indiana to ensure cohesive and coordinated crisis care.

Sec. 7. The division shall adopt rules under IC 4-22-2 to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real time crisis care coordination, including deployment of crisis and outgoing services and linked, flexible services specific to crisis response.

Sec. 8. (a) A designated 9-8-8 crisis hotline center may deploy crisis and outgoing services, including mobile crisis teams, and coordinate access to crisis receiving and stabilization services or other appropriate local sources in accordance with guidelines by the national suicide prevention lifeline.

(b) A designated 9-8-8 crisis hotline shall coordinate access to crisis receiving and stabilization services for individuals accessing the 9-8-8 suicide prevention and behavioral health crisis hotline through appropriate information sharing concerning availability of services.

(c) A designated 9-8-8 crisis hotline center shall meet the requirements set forth by the national suicide prevention lifeline for serving high risk and specialized populations, including individuals with co-occurring mental health and substance use disorders and other relevant and culturally sensitive special populations, as identified by the federal Substance Abuse and Mental Health Services Administration, including training requirements and policies for transferring callers to an appropriate specialized center or subnetwork.

(d) A designated 9-8-8 crisis hotline center must provide follow-up services to individuals accessing the 9-8-8 crisis hotline consistent with guidelines and policies established by the national suicide prevention lifeline.

Sec. 9. Before March 1 of each year, a designated 9-8-8 crisis hotline center shall submit a written report to the division concerning the 9-8-8 crisis hotline's usage and the services provided by the center.

Sec. 10. (a) The division shall coordinate:

- (1) available onsite response services of crisis calls using state and locally funded mobile crisis teams; and
- (2) crisis receiving and stabilization services resulting from a 9-8-8 call.

(b) The mobile crisis teams must include the following:

- (1) Jurisdiction based behavioral health teams, including:
  - (A) a behavioral health professional licensed under IC 25-23.6; and
  - (B) peers certified by the division.
- (2) Emergency medical services personnel licensed under IC 16-31.
- (3) Law enforcement based coresponder behavioral health teams.

Sec. 11. (a) The statewide 9-8-8 trust fund is established for purposes of creating and maintaining a statewide 9-8-8 suicide prevention and mental health crisis system described in this chapter. The fund shall be administered by the division.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of the state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from the investments shall be deposited in the fund.

(d) The fund shall consist of the following:

- (1) Appropriations made to the fund by the general assembly.
- (2) Funds received from the federal government for the support of 9-8-8 services in Indiana.
- (3) Investment earnings, including interest, on money in the fund.
- (4) Money from any other source, including gifts and grants.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund and is not subject to transfer to any other fund for any other use or purpose outside of those specified in this section.

Sec. 12. The division may adopt rules under IC 4-22-2 to implement and administer this chapter.

SECTION 11. IC 16-27-1-1, AS AMENDED BY P.L.197-2011, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

- (1) A licensed physician.
- (2) A licensed dentist.
- (3) A licensed chiropractor.
- (4) A licensed podiatrist.
- (5) A licensed optometrist.
- (6) A nurse licensed under IC 25-23-1.
- (7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under

IC 25-27.

(8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.

(9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).

(10) An:

(A) occupational therapist; or

(B) occupational therapy assistant;

licensed under IC 25-23.5.

(11) A social worker licensed under IC 25-23.6 or a social work assistant.

(12) A pharmacist licensed under IC 25-26-13.

**(13) An advanced practice registered nurse licensed under IC 25-23.**

**(14) A physician assistant licensed under IC 25-27.5.**

SECTION 12. IC 16-27-1-5, AS AMENDED BY P.L.141-2006, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "home health services" means services that:

(1) are provided to a patient by:

(A) a home health agency; or

(B) another person under an arrangement with a home health agency;

in the temporary or permanent residence of the patient; and

(2) either, are required by law to be:

(A) ordered by a licensed physician, **a licensed advanced practice registered nurse, a licensed physician assistant**, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist for the service to be performed; or

(B) performed only by a health care professional.

(b) The term includes the following:

- (1) Nursing treatment and procedures.
- (2) Physical therapy.
- (3) Occupational therapy.
- (4) Speech therapy.
- (5) Medical social services.
- (6) Home health aide services.
- (7) Other therapeutic services.

(c) The term does not apply to the following:

- (1) Services provided by a physician licensed under IC 25-22.5.
- (2) Incidental services provided by a licensed health facility to patients of the licensed health

facility.

(3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.

(4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the patient's church or religious denomination.

(5) Services that are allowed to be performed by an attendant under IC 16-27-1-10.

(6) Authorized services provided by a personal services attendant under IC 12-10-17.1.

SECTION 13. IC 16-27-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a)

A licensed home health agency may accept written orders for home health services from a physician, **an advanced practice registered nurse, a physician assistant**, a dentist, a chiropractor, a podiatrist, or an optometrist licensed in Indiana or any other state. If the physician, **advanced practice registered nurse, physician assistant**, dentist, chiropractor, podiatrist, or optometrist is licensed in a state other than Indiana, the home health agency shall take reasonable immediate steps to determine that:

(1) the order complies with the laws of the state where the order originated; and

(2) the individual who issued the order examined the patient and is licensed to practice in that state.

(b) All orders issued by a physician, **an advanced practice registered nurse, a physician assistant**, a dentist, a chiropractor, a podiatrist, or an optometrist for home health services:

- (1) must meet the same requirements whether the order originates in Indiana or another state; and
- (2) from another state may not exceed the authority allowed under orders from the same profession in Indiana under IC 25.

SECTION 14. IC 16-27-2-1, AS AMENDED BY P.L.197-2011, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

- (1) A licensed physician or a physician assistant (as defined in IC 25-22.5-1-1.1).
- (2) A dentist licensed under IC 25-14.
- (3) A chiropractor licensed under IC 25-10-1.
- (4) A podiatrist licensed under IC 25-29.
- (5) An optometrist licensed under IC 25-24.
- (6) A nurse licensed under IC 25-23-1.
- (7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.

- (8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.
- (9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).
- (10) An:

- (A) occupational therapist licensed; or
- (B) occupational therapy assistant licensed;

under IC 25-23.5.

- (11) A social worker licensed under IC 25-23.6 or a clinical social worker licensed under IC 25-23.6.
- (12) A pharmacist licensed under IC 25-26-13.

**(13) An advanced practice registered nurse licensed under IC 25-23.**

SECTION 15. IC 16-27-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. An employee of a home health agency who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport for administering to a home health patient or hospice patient of the home health agency under the order of a licensed physician, **an advanced practice registered nurse, or a physician assistant** the following:

- (1) Sterile water for injection and irrigation.
- (2) Sterile saline for injection and irrigation.

SECTION 16. IC 16-27-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) An employee of a home health agency who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport a vaccine in order to administer the vaccine to:

- (1) the home health agency's:
  - (A) employees; or
  - (B) home health patients or hospice patients; or
- (2) family members of a home health patient or hospice patient;

under the order of a licensed physician.

(b) An employee described in subsection (a) who purchases, stores, or transports a vaccine under this section must ensure that a standing order for the vaccine:

- (1) is signed and dated by a licensed physician, **an advanced practice registered nurse, or a physician assistant**;
- (2) identifies the vaccine covered by the order;
- (3) indicates that appropriate procedures are established for responding to any adverse reaction to the vaccine; and
- (4) directs that a specific medication or category of medication be administered if a recipient has an adverse reaction to the vaccine.

SECTION 17. IC 16-27-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. An employee of a home health agency who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport drugs in a sealed portable container under this chapter only if the home health agency has established written policies and procedures to ensure the following:

- (1) That the container is handled properly with respect to storage, transportation, and temperature stability.
- (2) That a drug is removed from the container only on the written or oral order of a licensed physician, **an advanced practice registered nurse, or a physician assistant**.
- (3) That the administration of a drug in the container is performed in accordance with a specific treatment protocol.
- (4) That the home health agency maintains a written record of the dates and times the container is in the possession of a licensed pharmacist, registered nurse, or licensed practical nurse.
- (5) That the home health agency require an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the home health agency in writing.

SECTION 18. IC 16-27-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An employee of a home health agency who:

- (1) is a licensed pharmacist, registered nurse, or licensed practical nurse; and
- (2) administers a drug listed in section 3 of this chapter;

may administer the drug only in the residence of a home health patient or hospice patient of the home health agency under the order of a licensed physician, **an advanced practice registered nurse, or a physician assistant** in connection with the provision of emergency treatment or the adjustment of parenteral drug therapy or vaccine administration.

SECTION 19. IC 16-27-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If an employee of a home health agency who is a licensed pharmacist, registered nurse, or licensed practical nurse administers a drug listed in section 3 of this chapter under the oral order of a licensed physician, **an advanced practice registered nurse, or a physician assistant**, the physician, **advanced practice registered nurse, or physician assistant** shall promptly send a signed copy of the order to the home health agency.

(b) Not more than twenty (20) days after receiving an order under subsection (a), the home health agency shall send a copy of the order, as signed by and received from the physician, **advanced practice registered nurse, or physician assistant**, to the dispensing pharmacy.

SECTION 20. IC 16-47-1-5, AS AMENDED BY P.L.121-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This subsection does not apply to prescription drugs that are dispensed through an onsite clinic. The following shall participate in the program:

- (1) The department, for a health benefit plan:
  - (A) described in section 2(1) or 2(2) of this chapter; and
  - (B) that provides coverage for

prescription drugs.

(2) After June 30, 2011, a state educational institution, for a health benefit plan:

- (A) described in section 2(3) of this chapter; and
- (B) that provides coverage for prescription drugs;

unless the budget agency determines that the state educational institution's participation in the program would not result in an overall financial benefit to the state educational institution. The budget agency may delay compliance with this subdivision to a date after July 1, 2011, that is determined by the budget agency to allow for the orderly transition from another program.

(b) The following may participate in the program:

(1) A state agency other than the department that:

- (A) purchases prescription drugs; or
- (B) arranges for the payment of the cost of prescription drugs.

(2) A local unit (as defined in IC 5-10-8-1).

**(3) A nonprofit association of cities and towns.**

~~(3)~~ **(4) The Indiana comprehensive health insurance association established under IC 27-8-10.**

(c) The state Medicaid program may not participate in the program under this chapter.

SECTION 21. IC 20-26-5-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 40. (a) This section applies to a student identification card issued to a student after June 30, 2022:**

- (1) by a public school, including a charter school; and**
- (2) to each student of a school described in subdivision (1) who is in grade 6, 7, 8, 9, 10, 11, or 12.**

**(b) If a school issues a student identification card to a student, the school shall include on the student identification card the following:**

**(1) Except as provided under subsection (c), the 9-8-8 crisis hotline.**

**(2) A local, state, or national human trafficking hotline telephone number that provides support twenty-four (24) hours a day, seven (7) days a week.**

**(3) A local, state, or national sexual assault hotline telephone number that provides support twenty-four (24) hours a day, seven (7) days a week.**

**(4) A local, state, or national teen dating violence hotline telephone number that provides support twenty-four (24) hours a day, seven (7) days a week.**

**(5) If a hotline specified in subdivisions (1) through (4) is capable of receiving a text message, the information to text the hotline.**

**(c) If the 9-8-8 crisis hotline is not in operation at the time a school issues a student identification card, the school shall include a local, state, or national suicide prevention**

**hotline telephone number on the student identification card. However, if the 9-8-8 crisis hotline becomes operational at a later date, the school shall include the 9-8-8 crisis hotline on all student identification cards issued by the school after the 9-8-8 crisis hotline is in operation.**

**(d) A school may include the information described in subsections (b) and (c) on a student identification card by:**

**(1) printing the information on the student identification card; or**

**(2) affixing on the student identification card a sticker with the information printed on the sticker.**

**(e) Before December 1, 2021, the Indiana criminal justice institute (established under IC 5-2-6-3) shall submit a report to the legislative council with recommendations for the best telephone numbers, including any available texting options, to list on a student identification card for students to access support and resources to address suicide prevention, human trafficking, teen dating violence, and sexual assault. This report must consider the scope of services that will be offered by the 9-8-8 crisis hotline and must be submitted in an electronic format under IC 5-14-6. This subsection expires January 1, 2022.**

SECTION 22. IC 25-1-9.3-7, AS ADDED BY P.L.28-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2020 (RETROACTIVE)]: Sec. 7. After ~~December 31, 2020,~~ **December 31, 2021**, except as provided in section 8 of this chapter, a prescriber shall issue a prescription for a controlled substance:

(1) in an electronic format; and

(2) by electronic transmission from the prescriber to a pharmacy;

in accordance with rules adopted by the board under IC 25-26-13-4(d).

SECTION 23. IC 25-1-9.3-8, AS AMENDED BY P.L.114-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2020 (RETROACTIVE)]: Sec. 8. **Beginning January 1, 2022**, a prescriber may issue a prescription for a controlled substance in a written format, a faxed format, or an oral order if any of the following apply:

(1) The prescriber cannot transmit an electronically transmitted prescription due to:

(A) temporary technological or electrical failure; ~~or~~

(B) the technological inability to issue a prescription electronically, including but not limited to failure to possess the requisite technology; or

**(C) the inability of the dispensing pharmacy or provider to receive or process an electronically**

**t r a n s m i t t e d  
prescription.**

- (2) The prescriber issues a prescription to be dispensed by a pharmacy located outside Indiana.  
(3) The prescriber and the pharmacist are the same entity.

(4) The prescriber issues a prescription that meets any of the following:

(A) The prescription contains elements that are not supported by the technical standards developed by the National Council for Prescription Drug Programs for electronically transmitted prescriptions (NCPDP SCRIPT).

(B) The federal Food and Drug Administration requires the prescription to contain certain elements that cannot be supported in an electronically transmitted prescription.

(C) The prescription is a non-patient specific prescription in response to a public health emergency or another instance allowable under state law and that requires a non-patient specific prescription under:

- (i) a standing order;
- (ii) approved protocol for drug therapy;
- (iii) collaborative drug management; or
- ( i v ) comprehensive medication management.

(D) The prescription is issued under a research protocol.

(5) The prescriber has received a waiver or a renewal of a previously received waiver from the board in accordance with rules adopted under section 9 of this chapter.

(6) The board, in accordance with rules adopted under section 9 of this chapter, has determined that issuing an electronically transmitted

prescription would be impractical and cause delay, adversely impacting the patient's medical condition.

(7) The prescriber reasonably determines that it would be impractical for the patient to obtain an electronic prescription in a timely manner and the delay would adversely affect the patient's medical condition.

SECTION 24. IC 25-1-9.3-9, AS AMENDED BY P.L.114-2020, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The board shall, in consultation with the medical licensing board, adopt rules under IC 4-22-2 to implement this chapter, including:

(1) a process to grant or deny waivers or renewals of waivers from the requirement to issue electronically transmitted prescriptions for controlled substances due to:

- (A) economic hardship;
- (B) technological limitations outside the control of the prescriber **that are not otherwise specified in section 8 of this chapter;** or
- (C) other circumstances determined by the board; and

(2) a list of circumstances in which issuing an electronically transmitted prescription would be impractical and cause delay that would adversely impact the user's medical condition.

(b) Any rules adopted under this chapter must be substantially similar to the requirements and exceptions under:

- (1) 42 U.S.C. 1395w-104; **and**
- (2) **any regulations adopted under 42 U.S.C. 1395w-104.**

(c) The board, in consultation with the medical licensing board, may adopt emergency rules in the manner provided in IC 4-22-2-37.1. A rule adopted under this section expires on the earlier of the following:

- (1) The date that the rule is superseded, amended, or repealed by a permanent rule adopted under IC 4-22-2.
- (2) July 1, 2023.

**(d) A provision described in:**

- (1) **section 8(1) through 8(4);**
- (2) **section 8(6); and**
- (3) **section 8(7);**

**of this chapter does not require a waiver of any rule adopted under this chapter.**

SECTION 25. IC 25-1-9.5-3.5, AS ADDED BY SEA 3-2021, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. As used in this chapter, "practitioner" means an individual who holds an unlimited license to practice as any of the following in Indiana:

- (1) An athletic trainer licensed under IC 25-5.1.
- (2) A chiropractor licensed under IC 25-10.

(3) A dental hygienist licensed under IC 25-13.

(4) The following:

(A) A dentist licensed under IC 25-14.

(B) An individual who holds a dental residency permit issued under IC 25-14-1-5.

(C) An individual who holds a dental faculty license under IC 25-14-1-5.5.

(5) A diabetes educator licensed under IC 25-14.3.

(6) A dietitian licensed under IC 25-14.5.

(7) A genetic counselor licensed under IC 25-17.3.

(8) The following:

(A) A physician licensed under IC 25-22.5.

(B) An individual who holds a temporary permit under IC 25-22.5-5-4.

(9) A nurse licensed under IC 25-23.

(10) An occupational therapist licensed under IC 25-23.5.

(11) Any behavioral health and human services professional licensed under IC 25-23.6.

(12) An optometrist licensed under IC 25-24.

(13) A pharmacist licensed under IC 25-26.

(14) A physical therapist licensed under IC 25-27.

(15) A physician assistant licensed under IC 25-27.5.

(16) A podiatrist licensed under IC 25-29.

(17) A psychologist licensed under IC 25-33.

(18) A respiratory care practitioner licensed under IC 25-34.5.

(19) A speech-language pathologist or audiologist licensed under IC 25-35.6.

(20) A veterinarian licensed under IC 25-38.1.

**(21) A behavior analyst licensed under IC 25-8.5.**

SECTION 26. IC 25-1-9.5-6, AS AMENDED BY SEA 3-2021, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this chapter, "telehealth" means the delivery of health care services using interactive electronic communications and information technology, in compliance with the federal Health Insurance Portability and Accountability Act (HIPAA), including:

(1) secure videoconferencing;

(2) store and forward technology; or

(3) remote patient monitoring technology;

between a provider in one (1) location and a patient in another location.

(b) The term does not include the use of the following unless the practitioner has an established relationship with the

patient:

(1) Electronic mail.

(2) An instant messaging conversation.

(3) Facsimile.

(4) Internet questionnaire.

(5) Internet consultation.

(c) The term does not include a health care service provided by:

**(1) an employee of a practitioner; or**

**(2) an individual who is employed by the same entity that employs the practitioner;**

who is performing a health care service listed in section 2.5(2), 2.5(3), or 2.5(4) of this chapter under the direction **and that is customarily within the specific area of practice** of the practitioner.

SECTION 27. IC 25-23.6-10.5-6, AS AMENDED BY P.L.49-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) An applicant under section 2 of this chapter must complete the following educational requirements:

(1) Twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

(A) Addiction counseling theories and techniques.

~~(B) Foundations of addiction counseling.~~

~~(C)~~ (B) Psychopharmacology.

~~(D)~~ (C) Psychopathology.

~~(E)~~ (D) Clinical appraisal and assessment.

~~(F)~~ (E) Theory and practice of group addiction counseling.

~~(G)~~ (F) Counseling addicted family systems.

~~(H)~~ (G) Multicultural counseling.

~~(I)~~ (H) Research methods in addictions.

~~(J)~~ (I) Areas of content as approved by the board.

(2) At least one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

(A) Legal, ethical, and professional standards issues in the practice of addiction counseling and therapy or an equivalent course approved by the board.

(B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in an addiction counseling setting that requires the applicant to provide seven hundred (700) hours of clinical addiction counseling services and that must include the following:

(A) Two hundred eighty (280) face to face client contact hours of addiction counseling services under the supervision of a ~~licensed clinical addiction counselor who has at least five (5) years of experience~~ or a qualified supervisor, **approved as determined** by the board.

(B) ~~One hundred (100) Thirty-five (35) hours of supervision from a licensed clinical addiction counselor who has at least five (5) years experience as a~~ qualified supervisor, **approved as determined** by the board.

**However, an applicant who has completed a clinical practicum, an internship, or field experience to obtain another license under this article is not required to complete the clinical addiction counseling services hours required under this subdivision.**

(4) Any qualifications established by the board under subsection (c).

(b) The content areas under subsection (a)(1) may be combined into any one (1) graduate level course if the applicant can prove that the course work was devoted to each content area.

(c) The board shall adopt rules to establish any additional educational or clinical qualifications as specified by the Council for Accreditation of Counseling and Related Educational Programs or a successor organization.

~~(d) Notwithstanding subsection (a)(1)(B), an individual is not required to have a graduate level course credit in foundations of addiction counseling before July 1, 2021; to be eligible for licensure as a clinical addiction counselor. This subsection expires July 1, 2021.~~

SECTION 28. IC 25-23.6-10.5-7, AS AMENDED BY P.L.160-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) An applicant under section 1 of this chapter must have at least two

(2) years of addiction counseling experience that must include at least one hundred fifty (150) hours under supervision, one hundred (100) hours of which must be under individual supervision and fifty (50) hours of which must be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship, **or a supervised master's level practicum, an internship, or field experience in addiction counseling**, may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(d) Except as provided in subsection (e), the work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of addiction counseling; and

(2) the work is not performed at a place that has the supervision of a qualified supervisor.

(e) Up to fifty percent (50%) of the supervised addiction counseling experience hours required under subsection (a) may be accounted for through virtual supervision by a qualified supervisor described in subsection (a).

SECTION 29. IC 25-23.6-10.5-8, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) An applicant under section 2 of this chapter must have at least two (2) years of clinical addiction counseling experience that must include at least two hundred (200) hours under supervision, one hundred (100) hours of which must be under individual supervision and **up to** one hundred (100) hours of which ~~must~~ **may** be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(d) The work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of addiction therapy; and

(2) the work is not performed at a place that has the supervision of a qualified supervisor.

SECTION 30. IC 25-26-13-2, AS AMENDED BY P.L.89-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

"Administering" means the direct application of a drug to the body of a person by injection, inhalation, ingestion, or any other means.

"Board" means the Indiana board of pharmacy.

"Controlled drugs" are those drugs on schedules I through V of the federal Controlled Substances Act or on schedules I through V of IC 35-48-2.

**"Coronavirus disease" means the disease caused by the severe acute respiratory syndrome coronavirus 2 virus**



**(SARS-CoV-2).**

"Counseling" means effective communication between a pharmacist and a patient concerning the contents, drug to drug interactions, route, dosage, form, directions for use, precautions, and effective use of a drug or device to improve the therapeutic outcome of the patient through the effective use of the drug or device.

"Dispensing" means issuing one (1) or more doses of a drug in a suitable container with appropriate labeling for subsequent administration to or use by a patient.

"Drug" means:

- (1) articles or substances recognized in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them;
- (2) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
- (3) articles other than food intended to affect the structure or any function of the body of man or animals; or
- (4) articles intended for use as a component of any article specified in subdivisions (1) through (3) and devices.

"Drug order" means a written order in a hospital or other health care institution for an ultimate user for any drug or device, issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, which is immediately reduced to writing by the pharmacist, registered nurse, or other licensed health care practitioner authorized by the hospital or institution. The order shall contain the name and bed number of the patient; the name and strength or size of the drug or device; unless specified by individual institution policy or guideline, the amount to be dispensed either in quantity or days; adequate directions for the proper use of the drug or device when it is administered to the patient; and the name of the prescriber.

"Drug regimen review" means the retrospective, concurrent, and prospective review by a pharmacist of a patient's drug related history that includes the following areas:

- (1) Evaluation of prescriptions or drug orders and patient records for drug allergies, rational therapy contradictions, appropriate dose and route of administration, appropriate directions for use, or duplicative therapies.
- (2) Evaluation of prescriptions or drug orders and patient records for drug-drug, drug-food, drug-disease, and drug-clinical laboratory interactions.
- (3) Evaluation of prescriptions or drug orders and patient records for adverse drug reactions.
- (4) Evaluation of prescriptions or drug orders and patient records for proper utilization and optimal therapeutic outcomes.

"Drug utilization review" means a program designed to measure and assess on a retrospective and prospective basis the proper use of drugs.

"Device" means an instrument, apparatus, implement,

machine, contrivance, implant, in vitro reagent, or other similar or related article including any component part or accessory, which is:

- (1) recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to them;
- (2) intended for use in the diagnosis of disease or other conditions or the cure, mitigation, treatment, or prevention of disease in man or other animals; or
- (3) intended to affect the structure or any function of the body of man or other animals and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

"Electronic data intermediary" means an entity that provides the infrastructure that connects a computer system or another electronic device used by a prescribing practitioner with a computer system or another electronic device used by a pharmacy to facilitate the secure transmission of:

- (1) an electronic prescription order;
- (2) a refill authorization request;
- (3) a communication; and
- (4) other patient care information;

between a practitioner and a pharmacy.

"Electronic signature" means an electronic sound, symbol, or process:

- (1) attached to or logically associated with a record; and
- (2) executed or adopted by a person;

with the intent to sign the record.

"Electronically transmitted" or "electronic transmission" means the transmission of a prescription in electronic form. The term does not include the transmission of a prescription by facsimile.

"Investigational or new drug" means any drug which is limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

"Legend drug" has the meaning set forth in IC 16-18-2-199.

"License" and "permit" are interchangeable and mean a written certificate from the Indiana board of pharmacy for the practice of pharmacy or the operation of a pharmacy.

"Medication therapy management" means a distinct service or group of services that optimize therapeutic outcomes for individuals that are independent of, but may occur in conjunction with, the provision of a medication or medical device. The term includes the following services:

- (1) Performing or obtaining assessments of an individual's health status.
- (2) Formulating a medication treatment plan.
- (3) Selecting, initiating, modifying, or administering medication therapy.
- (4) Monitoring and evaluating an individual's response to therapy, including safety and

effectiveness.

(5) Performing a comprehensive medication review to identify, resolve, and prevent medication related problems, including adverse drug events.

(6) Documenting the care delivered and communicating essential information to the patient's other health care providers.

(7) Providing education and training designed to enhance patient understanding and appropriate use of the individual's medications.

(8) Providing information and support services and resources designed to enhance patient adherence with the individual's therapeutic regimens, including medication synchronization.

(9) Coordinating and integrating medication therapy management services within the broader health care services being provided to an individual.

(10) Providing other patient care services allowable by law.

"Nonprescription drug" means a drug that may be sold without a prescription and that is labeled for use by a patient in accordance with state and federal laws.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or municipality, or a legal representative or agent, unless this chapter expressly provides otherwise.

"Practitioner" has the meaning set forth in IC 16-42-19-5.

"Pharmacist" means a person licensed under this chapter.

"Pharmacist intern" means a person who is:

(1) permitted by the board to engage in the practice of pharmacy while under the personal supervision of a pharmacist and who is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist;

(2) a graduate of an approved college of pharmacy or a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee Certificate and who is permitted by the board to obtain practical experience as a requirement for licensure as a pharmacist;

(3) a qualified applicant awaiting examination for licensure; or

(4) an individual participating in a residency or fellowship program.

"Pharmacy" means any facility, department, or other place where prescriptions are filled or compounded and are sold, dispensed, offered, or displayed for sale and which has as its principal purpose the dispensing of drug and health supplies intended for the general health, welfare, and safety of the public, without placing any other activity on a more important level than the practice of pharmacy.

"The practice of pharmacy" or "the practice of the profession of pharmacy" means a patient oriented health care profession in which pharmacists interact with and counsel patients and with other health care professionals concerning

drugs and devices used to enhance patients' wellness, prevent illness, and optimize the outcome of a drug or device, by accepting responsibility for performing or supervising a pharmacist intern or an unlicensed person under section 18.5 of this chapter to do the following acts, services, and operations:

(1) The offering of or performing of those acts, service operations, or transactions incidental to the interpretation, evaluation, and implementation of prescriptions or drug orders.

(2) The compounding, labeling, administering, dispensing, or selling of drugs and devices, including radioactive substances, whether dispensed under a practitioner's prescription or drug order or sold or given directly to the ultimate consumer.

(3) The proper and safe storage and distribution of drugs and devices.

(4) The maintenance of proper records of the receipt, storage, sale, and dispensing of drugs and devices.

(5) Counseling, advising, and educating patients, patients' caregivers, and health care providers and professionals, as necessary, as to the contents, therapeutic values, uses, significant problems, risks, and appropriate manner of use of drugs and devices.

(6) Assessing, recording, and reporting events related to the use of drugs or devices.

(7) Provision of the professional acts, professional decisions, and professional services necessary to maintain all areas of a patient's pharmacy related care as specifically authorized to a pharmacist under this article.

(8) Provision of medication therapy management.

"Prescription" means a written order or an order transmitted by other means of communication from a practitioner to or for an ultimate user for any drug or device containing:

(1) the name and address of the patient;

(2) the date of issue;

(3) the name and strength or size (if applicable) of the drug or device;

(4) the amount to be dispensed (unless indicated by directions and duration of therapy);

(5) adequate directions for the proper use of the drug or device by the patient;

(6) the name of the practitioner; and

(7) if the prescription:

(A) is in written form, the signature of the practitioner; or

(B) is in electronic form, the electronic signature of the practitioner.

"Qualifying pharmacist" means the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operations of the pharmacy under the permit.

"Record" means all papers, letters, memoranda, notes,

prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records, or other written indicia, documents, or objects which are used in any way in connection with the purchase, sale, or handling of any drug or device.

"Sale" means every sale and includes:

- (1) manufacturing, processing, transporting, handling, packaging, or any other production, preparation, or repackaging;
- (2) exposure, offer, or any other proffer;
- (3) holding, storing, or any other possession;
- (4) dispensing, giving, delivering, or any other supplying; and
- (5) applying, administering, or any other using.

SECTION 31. IC 25-26-13-10.5, AS ADDED BY P.L.98-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) A pharmacy intern may engage in the practice of pharmacy if the activities are under the direct supervision of a pharmacist. The pharmacist ~~in charge~~ **on duty** is responsible for the activities relating to the practice of pharmacy performed by the pharmacy intern.

(b) A pharmacist shall review in person the prescription drug order and the dispensed product prepared by a pharmacy intern before the product is dispensed to the patient or the patient's agent.

SECTION 32. IC 25-26-13-18.5, AS AMENDED BY P.L.202-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18.5. (a) As used in this section, "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist.

(b) Except as provided in ~~subsection~~ **subsections (d) and (e)**, licensed pharmacy technicians or pharmacy technicians in training who are:

- (1) licensed or certified under IC 25-26-19; and
- (2) practicing at a pharmacy;

must practice under a licensed pharmacist's immediate and personal supervision at all times.

(c) A pharmacist may not supervise more than ~~six (6)~~ **eight (8)** pharmacy interns, pharmacy technicians, or pharmacy technicians in training at any time. Not more than three (3) of the ~~six (6)~~ **eight (8)** individuals being supervised by a pharmacist may be pharmacy technicians in training.

(d) A licensed pharmacy technician employed at a remote dispensing facility (as defined in IC 25-26-13.5-3) may be under the supervision of a pharmacist through the use of a computer link, a video link, and an audio link.

**(e) A pharmacy technician may work remotely for nondispensing job responsibilities, including:**

- (1) data entry;**
- (2) insurance processing; or**
- (3) other responsibilities that do not require the pharmacy technician to be physically present at the pharmacy.**

SECTION 33. IC 25-26-13-20, AS AMENDED BY P.L.152-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) A person desiring to open, establish, operate, or maintain a pharmacy shall

apply to the board for a pharmacy permit on a form provided by the board. The applicant shall set forth:

- (1) the name and occupation of the persons desiring the permit;
- (2) the location, including street address and city, of the pharmacy;
- (3) the name of the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operation of the pharmacy under the permit; and
- (4) such other information as the board may require.

(b) If the applicant desires to open, establish, operate, or maintain more than one (1) pharmacy, the applicant must file a separate application for each. Each pharmacy must be qualified by a different pharmacist.

(c) The board shall permit a pharmacist to serve as a qualifying pharmacist for more than one (1) pharmacy holding a Category II pharmacy permit upon the holder of the Category II permit showing circumstances establishing that:

- (1) the permit holder has made a reasonable effort, without success, to obtain a qualifying pharmacist who is not serving as a qualifying pharmacist at another Category II pharmacy; and
- (2) the single pharmacist could effectively fulfill all duties and responsibilities of the qualifying pharmacist at both locations.

**However, the board shall hold the permit holder responsible and may not discipline or otherwise hold the qualifying pharmacist responsible for staffing deficiencies of the pharmacy if the qualifying pharmacist does not have authority for staffing determinations of the pharmacy.**

(d) The board shall grant or deny an application for a permit not later than one hundred twenty (120) days after the application and any additional information required by the board are submitted.

(e) The board may not issue a pharmacy permit to a person who desires to operate the pharmacy out of a residence.

SECTION 34. IC 25-26-13-24.8, AS AMENDED BY P.L.114-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24.8. (a) Upon request of a patient, a pharmacy shall transfer to another pharmacy a prescription for the patient, **including a prescription for a schedule II controlled substance**, that the pharmacy has received but not filled unless:

- (1) prohibited in writing on the prescription by the prescriber; or
- (2) otherwise prohibited by federal law.

(b) Unless prohibited by federal law, a prescription for a patient may be transferred electronically or by facsimile by a pharmacy to another pharmacy if the pharmacies do not share a common data base.

(c) A licensed pharmacy technician may transfer a prescription under subsection (b).

SECTION 35. IC 25-26-13-31, AS AMENDED BY P.L.114-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. (a) A pharmacist may do the following:

- (1) Obtain and maintain patient drug histories

and other pharmacy records that are related to drug or device therapies.

- (2) Perform drug evaluation, drug utilization review, and drug regimen review.
- (3) Participate in the selection, storage, and distribution of drugs, dietary supplements, and devices. However, drug selection must comply with IC 16-42-19 and IC 16-42-22.
- (4) Participate in drug or drug related research.
- (5) Prescribe any of the following devices or supplies approved by the federal Food and Drug Administration:

- (A) Inhalation spacer.
- (B) Nebulizer.
- (C) Supplies for medical devices, including but not limited to, continuous positive airway pressure (CPAP) machine supplies and insulin pump supplies.
- (D) Normal saline and sterile water for irrigation for wound care or for injection with a prescription drug or device.
- (E) Diabetes blood sugar testing supplies.
- (F) Pen needles.
- (G) Syringes for medication use.

However, the pharmacist must provide the patient with a written advance beneficiary notice that is signed by the patient and that states that the patient may not be eligible for reimbursement for the device or supply. The pharmacy must keep a copy of the patient's advance beneficiary notice on file for seven (7) years.

(b) A pharmacist who participates in an activity allowed under subsection (a) is required to follow the standards for the competent practice of pharmacy adopted by the board.

(c) A pharmacist may issue a prescription for purposes of subsection (a)(5).

SECTION 36. IC 25-26-13-31.2, AS AMENDED BY P.L.202-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.2. (a) A pharmacist may administer an immunization to an individual under a drug order or prescription.

(b) Subject to subsection (c), a pharmacist may administer immunizations for the following to a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician:

- (1) Influenza.
- (2) Shingles (herpes zoster).
- (3) Pneumonia.
- (4) Tetanus, diphtheria, and acellular pertussis (whooping cough).
- (5) Human papillomavirus (HPV) infection.

- (6) Meningitis.
- (7) Measles, mumps, and rubella.
- (8) Varicella.
- (9) Hepatitis A.
- (10) Hepatitis B.
- (11) Haemophilus influenzae type b (Hib).
- (12) Coronavirus disease.**

(c) A pharmacist may administer an immunization under subsection (b) if the following requirements are met:

- (1) The physician specifies in the drug order, prescription, or protocol the group of individuals to whom the immunization may be administered.
- (2) The physician who writes the drug order, prescription, or protocol is licensed and actively practicing with a medical office in Indiana and not employed by a pharmacy.
- (3) The pharmacist who administers the immunization is responsible for notifying, not later than fourteen (14) days after the pharmacist administers the immunization, the physician who authorized the immunization and the individual's primary care physician that the individual received the immunization.
- (4) If the physician uses a protocol, the protocol may apply only to an individual or group of individuals who:

- (A) except as provided in clause (B), are at least eleven (11) years of age; or
- (B) for the pneumonia immunization under subsection (b)(3), are at least fifty (50) years of age.

(5) Before administering an immunization to an individual according to a protocol approved by a physician, the pharmacist must receive the consent of one (1) of the following:

- (A) If the individual to whom the immunization is to be administered is at least eleven (11) years of age but less than eighteen (18) years of age, the parent or legal guardian of the individual.
- (B) If the individual to whom the immunization is to be administered is at least eighteen (18) years of age but has a legal guardian, the legal guardian of the individual.
- (C) If the individual to whom the immunization is to be administered is

at least eighteen (18) years of age but has no legal guardian, the individual.

A parent or legal guardian who is required to give consent under this subdivision must be present at the time of immunization.

(d) If the state department of health or the department of homeland security determines that an emergency exists, subject to IC 16-41-9-1.7(a)(2), a pharmacist may administer any immunization in accordance with:

- (1) the requirements of subsection (c)(1) through (c)(3); and
- (2) any instructions in the emergency determination.

(e) A pharmacist or pharmacist's designee shall provide immunization data to the immunization data registry (IC 16-38-5) in a manner prescribed by the state department of health unless:

- (1) the individual receiving the immunization;
- (2) the parent of the individual receiving the immunization, if the individual receiving the immunization is less than eighteen (18) years of age; or
- (3) the legal guardian of the individual receiving the immunization, if a legal guardian has been appointed;

has completed and filed with the pharmacist or pharmacist's designee a written immunization data exemption form, as provided in IC 16-38-5-2.

(f) If an immunization is administered under a protocol, then the name, license number, and contact information of the physician who wrote the protocol must be posted in the location where the immunization is administered. A copy of the protocol must be available for inspection by the individual receiving the immunization.

(g) A pharmacist may administer an immunization that is provided according to a standing order, prescription, or protocol issued under this section or IC 16-19-4-11 by the state health commissioner or the commissioner's designated public health authority who is a licensed prescriber. If a pharmacist has received a protocol to administer an immunization from a physician and that specific immunization is covered by a standing order, prescription, or protocol issued by the state health commissioner or the commissioner's designated public health authority, the pharmacist must administer the immunization according to the standing order, prescription, or protocol issued by the state health commissioner or the commissioner's designated public health authority.

SECTION 37. IC 25-26-13-31.5, AS AMENDED BY P.L.129-2018, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.5. (a) Subject to rules adopted under subsection (c), a pharmacist intern or a pharmacist student may administer an immunization to an individual under a drug order or prescription.

(b) Subject to rules adopted under subsection (c), a pharmacist intern or a pharmacist student may administer an immunization to an individual or a group of individuals under a drug order, under a prescription, or according to a protocol

approved by a physician.

(c) The board shall adopt rules under IC 4-22-2 to establish requirements applying to a pharmacist intern or a pharmacist student who administers an immunization to an individual or group of individuals. The rules adopted under this section:

- (1) must provide for the direct supervision of the pharmacist intern or pharmacist student by a pharmacist, a physician, a physician assistant, ~~or~~ an advanced practice registered nurse, **or a registered nurse**; and
- (2) may not be less stringent than the requirements applying to a pharmacist who administers an immunization to an individual as provided under section 31.2 of this chapter.

SECTION 38. IC 25-26-13-31.7, AS ADDED BY P.L.114-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) Subject to rules adopted under subsection (c), a pharmacy technician may administer an influenza **or coronavirus disease** immunization to an individual under a drug order or prescription.

(b) Subject to rules adopted under subsection (c), a pharmacy technician may administer an influenza **or coronavirus disease** immunization to an individual or a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician.

(c) The board shall adopt rules under IC 4-22-2 to establish requirements applying to a pharmacy technician who administers an influenza **or coronavirus disease** immunization to an individual or group of individuals. The rules adopted under this section must provide for the direct supervision of the pharmacy technician by a pharmacist, a physician, a physician assistant, or an advanced practice registered nurse. **Before July 1, 2021, the board shall adopt emergency rules under IC 4-22-2-37.1 to establish the requirements described in this subsection concerning the influenza immunization and the coronavirus disease immunization. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the board under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the board under IC 4-22-2-24 through IC 4-22-2-36.**

(d) The board must approve all programs that provide training to pharmacy technicians to administer influenza **and coronavirus disease** immunizations as permitted by this section.

SECTION 39. IC 25-26-13.5-6, AS ADDED BY P.L.202-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Before a remote dispensing facility may do business in Indiana, the remote dispensing facility must be registered with the board under this chapter and in the manner prescribed by the board.

(b) Before a pharmacy licensed under this article may operate a remote dispensing facility, the pharmacy must register with the board under this chapter.

(c) A facility must meet the following requirements in order to be registered as a remote dispensing facility under this chapter:

(1) If the remote dispensing facility is not jointly owned by the pharmacy, operate under a contract with a supervising pharmacy.

(2) Be supervised by a qualifying pharmacist who is licensed under this article and who is designated by the supervising pharmacy to be responsible for oversight of the remote dispensing facility.

(3) Be located at least ten (10) miles from an existing retail pharmacy unless:

(A) the applicant with the proposed remote dispensing facility demonstrates to the board how the proposed remote dispensing facility will promote public health; or

(B) the ~~pharmacy located less than ten (10) miles from the~~ remote dispensing facility is ~~part of a hospital or a physician clinic setting;~~ **exclusively serves the patients of:**

- (i) a community mental health center established under IC 12-29;**
- (ii) a health care facility (as defined in IC 16-28-13-0.5); or**
- (iii) a physician clinic.**

(4) Maintain a patient counseling area.

(5) Display a sign visible to the public indicating that the location is a remote dispensing facility. The sign must include the following information:

(A) That the facility provides remote services supervised by a pharmacist located in another pharmacy.

(B) The identification and address of the supervising pharmacy.

(C) Disclosure that a pharmacist is required to speak to the consumer using audio and video communication systems any time a new drug or device is dispensed at the remote dispensing facility.

(D) Whether patient counseling is provided on a prescription drug refill at the remote dispensing facility.

(E) That the facility is under continuous video surveillance and that the video is recorded.

(d) If the remote dispensing facility is operating under a contract with a supervising pharmacy, the contract must:

(1) specify the responsibilities of each party to the contract; and

(2) be available for review by the board at the board's request.

SECTION 40. IC 25-26-13.5-11, AS AMENDED BY P.L.246-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) A supervising pharmacy of a remote dispensing facility must maintain a video and audio communication system that provides for effective communication between the supervising pharmacy, the remote dispensing facility, and any consumers. The system must do the following:

(1) Provide an adequate number of views of the entire remote dispensing facility.

(2) Facilitate adequate pharmacist supervision.

(3) Allow an appropriate exchange of visual, verbal, and written communications for patient counseling and other matters concerning the lawful transaction of business.

(b) The remote dispensing facility must retain a recording of facility surveillance, excluding patient communications, for at least ~~forty-five (45)~~ **thirty (30)** days.

(c) A qualifying pharmacist is adequately supervising through the use of video surveillance by maintaining constant visual supervision and auditory communication with the remote dispensing facility and by maintaining full supervisory control of the automated system, if applicable. The auditory communication must be available, as needed, with the remote dispensing facility and the qualifying pharmacist.

(d) A video monitor that is being used to properly identify and communicate with consumers must meet the following requirements:

~~(1) Be at least twelve (12) inches wide;~~

~~(2) Be high definition;~~

~~(3)~~ **(1)** Provide both the supervising pharmacy and the remote dispensing facility with direct visual contact between the pharmacist and the consumer.

~~(4)~~ **(2)** Be secure and compliant with the federal Health Insurance Portability and Accountability Act (HIPAA).

(e) If any component of the communication system is not in operating order, the remote dispensing facility shall remain closed until the communication system is fully operational, unless a pharmacist is located at the remote dispensing facility.

SECTION 41. IC 25-26-16-1, AS AMENDED BY P.L.202-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in

this chapter, "protocol" means the policies, procedures, and protocols of a:

- (1) hospital listed in IC 16-18-2-161(a)(1);
- (2) physician licensed under IC 25-22.5; or
- (3) physician group practice;

concerning the adjustment of a patient's drug regimen by, **or other patient care services delegated to, a pharmacist licensed under this article.**

SECTION 42. IC 25-26-16-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter, "therapeutic alternative" means a drug product that:**

- (1) has a different chemical structure from;**
- (2) is in the same pharmacological or therapeutic class as; and**
- (3) usually can be expected to have similar therapeutic effects and adverse reaction profiles when administered to patients in therapeutically equivalent doses as;**

**another drug.**

SECTION 43. IC 25-26-16-2, AS AMENDED BY P.L.202-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.** For purposes of this chapter, a pharmacist adjusts a drug regimen if the pharmacist:

- (1) changes the duration of treatment for a current drug therapy;
- (2) adjusts a drug's strength, dosage form, frequency of administration, or route of administration;
- (3) discontinues the use of a drug;
- (4) adds a drug to the treatment regimen; **or**
- (5) issues a new prescription for the purposes of subdivision (1), (2), or (4); **or**
- (6) makes a therapeutic substitution.**

SECTION 44. IC 25-26-16-4.5, AS AMENDED BY P.L.129-2018, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4.5.** (a) This section does not apply to a pharmacist who is practicing in a hospital.

(b) As used in this section, "direct supervision" means that a supervising:

- (1) physician;
- (2) advanced practice registered nurse who meets the requirements of IC 25-23-1-19.5; or
- (3) physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6;

is readily available to consult with the pharmacist while the protocol services are being provided.

(c) This section applies to a pharmacist who:

- (1) is employed by, or has entered into a contract with, a physician, a group of physicians, or an outpatient clinic; and
- (2) is under the direct supervision of a person described in subsection (b)(1) through (b)(3).

(d) The protocols developed under this chapter:

- (1) must be agreed upon by:

(A) the physician or the physician administrator described in section 3.5(d) of this chapter; and

(B) the pharmacist; **and**

~~(2) must, at a minimum, require that:~~

~~(A) the medical records of the patient are available to both the patient's physician and the pharmacist; and~~

~~(B) the procedures performed by the pharmacist relate to a condition for which the patient has first seen the physician or another licensed practitioner; and~~

~~(3) (2) may apply to a single patient or group of patients, as specified by the physician.~~

SECTION 45. IC 25-26-16-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 10. If a protocol developed under this chapter allows a pharmacist to substitute a therapeutic alternative for the drug prescribed by the individual's attending physician, the attending physician's authorization of the substitution is valid only for the duration of the prescription or drug order.**

SECTION 46. IC 25-26-16-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 11. A pharmacist may not substitute a therapeutic alternative for a drug prescribed by an individual's attending physician unless the substitution is authorized by the attending physician under a valid protocol issued under this chapter.**

SECTION 47. IC 25-26-16-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 12. A physician assistant licensed under IC 25-27.5 or an advanced practice registered nurse licensed under IC 25-23 may refer a patient to a pharmacist under a protocol.**

SECTION 48. IC 25-26-16.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.** As used in this chapter, "protocol" means a policy, procedure, or protocol of a health facility concerning:

**(1) the adjustment of a patient's drug regimen as allowed under this chapter by; or**

**(2) other patient care services delegated to; a pharmacist licensed under this article.**

SECTION 49. IC 25-26-16.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.** For purposes of this chapter, a pharmacist adjusts a drug regimen if the pharmacist:

- (1) changes the duration of treatment for a current drug therapy;
- (2) adjusts a drug's strength, dosage form,

frequency of administration, or route of administration;

(3) discontinues the use of a drug; ~~or~~

(4) adds a drug to the treatment regimen;

**(5) issues a new prescription for the purposes of subdivision (1), (2), or (4); or**

**(6) makes a therapeutic substitution.**

SECTION 50. IC 25-27.5-3-5, AS AMENDED BY P.L.197-2011, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The committee shall have regular meetings, called upon the request of the president or by a majority of the members appointed to the committee ~~and upon the advice and consent of the executive director of the Indiana professional licensing agency,~~ for the transaction of business that comes before the committee under this article. At the first committee meeting of each calendar year, the committee shall elect a president and any other officer considered necessary by the committee by an affirmative vote of a majority of the members appointed to the committee.

(b) Three (3) members of the committee constitute a quorum. An affirmative vote of a majority of the members appointed to the committee is required for the committee to take action on any business.

(c) The committee shall do the following:

(1) Consider the qualifications of individuals who apply for an initial license under this article.

(2) Approve or reject license applications.

(3) Approve or reject **license** renewal applications.

(4) Propose rules to the board concerning the competent practice of physician assistants and the administration of this article.

(5) Recommend to the board the amounts of fees required under this article.

SECTION 51. IC 25-27.5-3-6, AS AMENDED BY P.L.90-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for the following:

(1) The competent practice of physician assistants.

(2) The renewal of licenses issued under this article.

(3) Standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

**(c) Before January 1, 2022, the board shall adopt rules under IC 4-22-2 that are required under this article.**

SECTION 52. IC 27-1-24.5-5, AS ADDED BY P.L.68-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. As used in this chapter, "health plan" means the following:

(1) A state employee health plan (as defined in IC 5-10-8-6.7).

(2) A policy of accident and sickness insurance (as defined in IC 27-8-5-1). However, the term does not include the coverages described in

IC 27-8-5-2.5(a).

(3) An individual contract (as defined in IC 27-13-1-21) or a group contract (as defined in IC 27-13-1-16) that provides coverage for basic health care services (as defined in IC 27-13-1-4).

**(4) Any other plan or program that provides payment, reimbursement, or indemnification to a covered individual for the cost of prescription drugs.**

SECTION 53. IC 33-38-9.5-2, AS AMENDED BY P.L.34-2020, SECTION 2, AND P.L.48-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

(1) The executive director of the Indiana public defender council or the executive director's designee.

(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.

(3) The director of the division of mental health and addiction or the director's designee.

(4) The president of the Indiana Sheriffs' Association or the president's designee.

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

(6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(10) The budget director or the budget director's designee.

(11) The executive director of the Association of Indiana Counties or the executive director's designee.

(12) The president of the Indiana Judges Association or the president's designee.

(13) The chair of the Indiana public defender commission or the chair's designee.

(14) The chair of the senate corrections and criminal law committee or the chair's designee.

(15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.

(16) The chair of the house courts and criminal code committee or the chair's designee.

(17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.

(18) The governor or the governor's designee.



**(19) The president and chief executive officer of the Indiana Council of Community Mental Health Centers or the president and chief executive officer's designee.**

**(20) The president and chief executive officer of Mental Health America of Indiana or the president and chief executive officer's designee.**

(b) The chief justice or the chief justice's designee shall serve as chairperson of the advisory council.

(c) The duties of the advisory council include:

- (1) reviewing and evaluating state and local criminal justice systems and corrections programs, including pretrial services, behavioral health treatment and recovery services, community corrections, county jails, parole, and probation services;
- (2) reviewing the processes used by the department of correction and the division of mental health and addiction in awarding grants;
- (3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;
- (4) coordinating with other criminal justice funding sources;
- (5) establishing committees to inform the work of the advisory council; and
- (6) performing other relevant duties as determined by the advisory council.

(d) The advisory council may make recommendations to:

- (1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;
- (2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;
- (3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;
- (4) the Indiana criminal justice institute concerning criminal justice funding priorities;
- (5) the office of judicial administration concerning veterans problem-solving court grants; and
- (6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.

(e) The office of judicial administration shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the office of judicial administration from funds appropriated to the office of judicial administration for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as

provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (l);
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction; and
- (5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council, in conjunction with the Indiana criminal justice institute, shall jointly issue an annual report under IC 5-2-6-24.

(k) Any entity that receives funds:

- (1) recommended by the advisory council; and
- (2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (l) to the department of correction to aid in the compilation of the report described in subsection (j).

(l) The department of correction shall provide the advisory council with the following information:

- (1) The total number of participants, categorized by level of most serious offense, who were served by the entity through funds described in subsection (k).
- (2) The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision.
- (3) The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision.
- (4) The percentage of participants, categorized by level of most serious offense, who:

- (A) completed a funded treatment program, service, or level of supervision; and
- (B) were subsequently committed to the department of correction;

within twenty-four (24) months after completing the funded treatment program, service, or level of supervision.

- (5) The percentage of participants, categorized

by level of most serious offense, who were:

- (A) discharged from a funded treatment program, service, or level of supervision; and
- (B) subsequently committed to the department of correction;

within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.

(6) The total number of participants who completed a funded treatment program, service, or level of supervision.

(7) The total number of participants who:

- (A) completed a funded treatment program, service, or level of supervision; and
- (B) were legally employed.

(8) Any other information relevant to the funding of the entity as described in subsection (k).

**SECTION 54. An emergency is declared for this act.**  
(Reference is to EHB 1468 as reprinted April 6, 2021.)

CLERE	CRIDER
SHACKLEFORD	YODER
House Conferees	Senate Conferees

Roll Call 498: yeas 86, nays 3. Report adopted.

Representatives Behning and Vermilion, who had been excused, are now present.

#### CONFERENCE COMMITTEE REPORT ESB 55-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 55 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 5-11-1-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. An examination of a school corporation conducted under section 24.4, 25(d), or 30 of this chapter and a financial report prepared in accordance with IC 5-1-11.5-3 must include an examination of:**

**(1) any revenue spending plans adopted under IC 20-46-1-8 or IC 20-46-9-6 for:**

- (A) an operating referendum tax levy**

**approved by the voters of the school corporation under IC 20-46-1; or**

**(B) a school safety referendum tax levy approved by the voters of the school corporation under IC 20-46-9; and**

**(2) the operating referendum tax levy fund or school safety referendum tax levy fund of the school corporation, whichever is applicable; to determine whether the school corporation is using the revenue collected from the operating referendum tax levy or school safety referendum tax levy in the amounts and for the purposes established in the applicable revenue spending plan.**

**SECTION 2. IC 6-1.1-17-3, AS AMENDED BY P.L.159-2020, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a)** The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. In formulating a political subdivision's estimated budget under this section, the proper officers of the political subdivision must consider the net property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimate by the department of local government finance under IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's distribution of property taxes will be reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, after taking into account the estimate by the department of local government finance under section 0.7 of this chapter of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year, and after taking into account all payments for debt service obligations that are to be made by the political subdivision during the ensuing year. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall submit the following information to the department's computer gateway:

- (1) The estimated budget.
- (2) The estimated maximum permissible levy, as provided by the department under IC 6-1.1-18.5-24.
- (3) The current and proposed tax levies of each fund.
- (4) The percentage change between the current and proposed tax levies of each fund.
- (5) The amount by which the political subdivision's distribution of property taxes may be reduced by credits granted under IC 6-1.1-20.6, as estimated by the department of local government finance under IC 6-1.1-20.6-11.
- (6) The amounts of excessive levy appeals to be requested.
- (7) The time and place at which the political

subdivision or appropriate fiscal body will hold a public hearing on the items described in subdivisions (1) through (6).

(8) The time and place at which the political subdivision or appropriate fiscal body will meet to fix the budget, tax rate, and levy under section 5 of this chapter.

(9) The date, time, and place of the final adoption of the budget, tax rate, and levy under section 5 of this chapter.

The political subdivision or appropriate fiscal body shall submit this information to the department's computer gateway at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. If the date, time, or place of the final adoption subsequently changes, the political subdivision shall update the information submitted to the department's computer gateway. The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(d) A political subdivision for which any of the information under subsection (a) is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(e) If a political subdivision or appropriate fiscal body timely submits the information under subsection (a) but subsequently discovers the information contains an error, the political subdivision or appropriate fiscal body may submit amended information to the department's computer gateway. However, submission of an amendment to information described in subsection (a)(1) through (a)(6) must occur at least ten (10) days before the public hearing held under subsection (a), and submission of an amendment to information described in subsection (a)(7) must occur at least twenty-four (24) hours before the time in which the meeting to fix the budget, tax rate, and levy was originally advertised to commence.

**(h) Each year, the governing body of a school**

**corporation that imposes property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project under IC 6-1.1-20, property taxes under an operating referendum tax levy under IC 20-46-1, or property taxes under a school safety referendum tax levy under IC 20-49-6, shall submit the following information at least ten (10) days before the public hearing required by subsection (a) in the manner prescribed by the department:**

**(1) the purposes specified in the public question submitted to the voters or any revenue spending plans adopted under IC 6-1.1-20-13, IC 20-46-1-8, or IC 20-46-9-6 for:**

**(A) debt service on bonds or lease rentals on a lease for a controlled project under IC 6-1.1-20;**

**(B) an operating referendum tax levy approved by the voters of the school corporation under IC 20-46-1; or**

**(C) a school safety referendum tax levy approved by the voters of the school corporation under IC 20-46-9;**

**as applicable; and**

**(2) the debt service levy fund, operating referendum tax levy fund, or school safety referendum tax levy fund of the school corporation, whichever is applicable;**

**to show whether the school corporation is using revenue collected from the referendum tax levy in the amounts and for the purposes established in the purposes specified in the public question submitted to the voters or the revenue spending plan, as applicable. The department shall make this information available to taxpayers at least ten (10) days before the public hearing.**

SECTION 3. IC 6-1.1-20-3.5, AS AMENDED BY P.L.159-2020, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, high school building, or other school building for academic instruction that will be used for any combination of kindergarten through grade 12 and will cost more than the lesser of

the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the maximum levy growth quotient

determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the maximum levy growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars (\$1,000,000,000), or ten million dollars (\$10,000,000), if the total gross assessed value of property within the political subdivision on the last

assessment date  
is not more than  
one billion  
dollars  
(\$1,000,000,000  
).

(B) Any other controlled project that is not a controlled project described in clause (A) and will cost the political subdivision more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars (\$12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to

issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the maximum levy growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the maximum levy growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross

assessed value is more than one hundred million dollars (\$100,000,000), or one million dollars (\$1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars (\$100,000,000).

(C) Any other controlled project for which a political subdivision adopts an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, if the sum of:

- (i) the cost of that controlled project; plus
- (ii) the costs of all other controlled projects for which the political subdivision has previously adopted within the preceding three hundred sixty-five (365) days an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for those other controlled projects;

exceeds twenty-five million dollars (\$25,000,000).

(2) The proper officers of the political subdivision make a preliminary determination

after June 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the controlled project.

(b) Subject to subsection (d), a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct at least two (2) public hearings on the preliminary determination before adoption of the ordinance or resolution. The political subdivision must at each of the public hearings on the preliminary determination allow the public to testify regarding the preliminary determination and must make the following information available to the public at each of the public hearings on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

- (i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by
- (ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(G).

(2) If the proper officers of a political

subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) The following information:

(i) The political subdivision's current debt

service levy and rate.

(ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(H) The information specified in subdivision (1)(A) through (1)(B).

(4) After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:

(A) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the

political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

- (A) the carrier and signers must be owners of property or registered voters;
- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and
- (D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the

petition is a registered voter. However, after the county voter registration office has determined that at least five hundred twenty-five (525) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least five hundred twenty-five (525) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

- (A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and
- (B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing



proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

- (A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or
- (B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting the referendum process. The certificate must state the number of petitioners who are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

(11) If a sufficient petition requesting the local public question process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

- (1) a copy of the notice required by subsection (b)(2); and
- (2) any other information the county auditor requires to fulfill the county auditor's duties

under section 3.6 of this chapter.

(d) In addition to the procedures in subsection (b), if any capital improvement components addressed in the most recent:

- (1) threat assessment of the buildings within the school corporation; or
- (2) school safety plan (as described in IC 20-26-18.2-2(b));

concerning a particular school have not been completed or require additional funding to be completed, before the school corporation may impose property taxes to pay debt service on bonds or lease rentals for a lease for a controlled project, and in addition to any other components of the controlled project, the controlled project must include any capital improvements necessary to complete those components described in subdivisions (1) and (2) that have not been completed or that require additional funding to be completed.

**(e) In addition to the other procedures in this section, an ordinance or resolution making a preliminary determination to issue bonds or enter into leases that is considered for adoption must include a statement of:**

- (1) the maximum annual debt service for the controlled project for each year in which the debt service will be paid; and**
- (2) the schedule of the estimated annual tax levy and rate over a ten (10) year period;**

**factoring in changes that will occur to the debt service levy and tax rate during the period on account of any outstanding bonds or lease obligations that will mature or terminate during the period.**

SECTION 5. IC 20-28-8-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) For purposes of this section, "school administrator" includes a principal, an assistant principal, a superintendent, and an assistant superintendent.**

**(b) A contract entered into between the governing body of a school corporation and a school administrator may not provide for the awarding of a monetary bonus or other incentive that is based on the approval of a public question under IC 6-1.1-20 or IC 20-46.**

SECTION 6. IC 20-46-1-8, AS AMENDED BY HEA 1271-2021, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 8. (a) Subject to subsection (c), subsections (c), (d), and (e) and this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for any of the following purposes:**

- (1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.
- (2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.
- (3) The governing body makes the determination required under subdivision (1) or (2) and

determines to share a portion of the referendum proceeds with a charter school, excluding a virtual charter school, in the manner prescribed in subsection (d).

(b) The governing body of the school corporation shall certify a copy of the resolution to place a referendum on the ballot to the following:

(1) The department of local government finance, including:

**(A) the language for the question required by section 10 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter; and**  
**(B) a copy of the revenue spending plan adopted under subsection (e).**

The language of the public question must include the estimated average percentage increases certified by the county auditor under section 10(e) of this chapter. The governing body of the school corporation shall also provide the county auditor's certification described in section 10(e) of this chapter. The department of local government finance shall post the values certified by the county auditor to the department's Internet web site. The department shall review the language for compliance with section 10 or 10.1 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(c) If a school safety referendum tax levy under IC 20-46-9 has been approved by the voters in a school corporation at any time in the previous three (3) years, the school corporation may not:

(1) adopt a resolution to place a referendum under this chapter on the ballot; or

(2) otherwise place a referendum under this chapter on the ballot.

(d) The resolution described in subsection (a) must

indicate whether proceeds in the school corporation's education fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-3-5 as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

**(e) As part of the resolution described in subsection (a), the governing body of the school corporation shall adopt a revenue spending plan for the proposed referendum tax levy that includes:**

**(1) an estimate of the amount of annual revenue expected to be collected if a levy is imposed under this chapter;**

**(2) the specific purposes for which the revenue collected from a levy imposed under this chapter will be used; and**

**(3) an estimate of the annual dollar amounts that will be expended for each purpose described in subdivision (2).**

**(f) A school corporation shall specify in its proposed budget the school corporation's revenue spending plan adopted under subsection (e) and annually present the revenue spending plan at its public hearing on the proposed budget under IC 6-1.1-17-3.**

SECTION 7. IC 20-46-9-6, AS AMENDED BY HEA 1271-2021, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot if the governing body of the school corporation determines that a referendum levy should be imposed for measures to improve school safety as described in IC 20-40-20-6(a) or IC 20-40-20-6(b).

(b) A school corporation may, with the approval of the majority of members of the governing body, distribute a portion of the proceeds of a tax levy collected under this chapter that is deposited in the fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation, to be used by the charter school for the purposes described in IC 20-40-20-6(a).

(c) The governing body of the school corporation shall certify a copy of the resolution to the following:

(1) The department of local government finance, including:

**(A) the language for the question required by section 9 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance, section 10 of this chapter; and**

**(B) a copy of the revenue spending plan**

**adopted under  
subsection (e).**

The language of the public question must include the estimated average percentage increases certified by the county auditor under section 9(d) of this chapter. The governing body of the school corporation shall also provide the county auditor's certification described in section 9(d) of this chapter. The department of local government finance shall post the values certified by the county auditor to the department's Internet web site. The department shall review the language for compliance with section 9 or 10 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(d) The resolution described in subsection (a) must indicate whether proceeds in the school corporation's fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-20-6(b) as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

**(e) As part of the resolution described in subsection (a), the governing body of the school corporation shall adopt a revenue spending plan for the proposed referendum tax levy that includes:**

**(1) an estimate of the amount of annual revenue expected to be collected if a levy is imposed under this chapter;**

**(2) the specific purposes described in IC 20-40-20-6 for which the revenue collected from a levy imposed under this chapter will be used; and**

**(3) an estimate of the annual dollar amounts that will be expended for each purpose described in subdivision (2).**

**(f) A school corporation shall specify in its proposed budget the school corporation's revenue spending plan adopted under subsection (e) and annually present the revenue spending plan at its public hearing on the proposed budget under IC 6-1.1-17-3.**

SECTION 8. IC 20-48-1-9, AS AMENDED BY HEA 1271-2021, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) If the

governing body of a school corporation finds and declares that an emergency exists to borrow money with which to pay current expenses from a particular fund before the receipt of revenues from taxes levied or state tuition support distributions for the fund, the governing body may issue warrants in anticipation of the receipt of the revenues.

(b) The principal of warrants issued under subsection (a) is payable solely from the fund for which the taxes are levied or from the school corporation's education fund in the case of anticipated state tuition support distributions. However, the interest on the warrants may be paid from the debt service fund, from the operations fund, or the education fund in the case of anticipated state tuition support distributions. A governing body may not increase the debt service fund levy to pay for the interest on the warrants unless

~~(1) the warrants have been issued; and~~

~~(2) the school corporation has received the proceeds from the warrants.~~

**the warrants have been authorized by the governing body in a resolution adopted at a public meeting in the year immediately preceding the year in which the warrants will be issued.**

(c) The amount of principal of temporary loans maturing on or before June 30 for any fund may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the June settlement.

(d) The amount of principal of temporary loans maturing after June 30 and on or before December 31 may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the December settlement.

(e) The county auditor or the auditor's deputy shall determine the estimated amount of taxes and state tuition support distributions to be collected or received and distributed. The warrants evidencing a loan in anticipation of tax revenue or state tuition support distributions may not be delivered to the purchaser of the warrant and payment may not be made on the warrant before January 1 of the year the loan is to be repaid. However, the proceedings necessary for the loan may be held and carried out before January 1 and before the approval. The loan may be made even though a part of the last preceding June or December settlement has not been received.

(f) Proceedings for the issuance and sale of warrants for more than one (1) fund may be combined. Separate warrants for each fund must be issued, and each warrant must state on the face of the warrant the fund from which the warrant's principal is payable. An action to contest the validity of a warrant may not be brought later than fifteen (15) days after the first publication of notice of sale.

(g) An issue of tax or state tuition support anticipation warrants may not be made if the total of all tax or state tuition support anticipation warrants exceeds twenty thousand dollars (\$20,000) until the issuance is advertised for sale, bids are received, and an award is made by the governing body as required for the sale of bonds, except that the publication of notice of the sale is not necessary:

(1) outside the county; or

(2) more than ten (10) days before the date of

sale.  
(Reference is to ESB 55 as printed March 25, 2021.)

BOHACEK	TESHKA
DORIOT	THOMPSON
Senate Conferees	House Conferees

Roll Call 499: yeas 91, nays 0. Report adopted.

Representative Behning, who had been present, is now excused.

#### CONFERENCE COMMITTEE REPORT ESB 409-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 409 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-24.9, AS ADDED BY P.L.180-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24.9. "Case contact", for purposes of IC 12-20-28-3, has the meaning set forth in IC 12-20-28-3(b). **This section expires January 1, 2023.**

SECTION 2. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 192.4. "Total number of recipients", for purposes of IC 12-20-28-3, has the meaning set forth in **the following:**

(1) IC 12-20-28-3(d). **This subdivision expires January 1, 2023.**

(2) IC 12-20-28-3(e). **This subdivision applies after December 31, 2022.**

SECTION 3. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 192.5. "Total number of requests for assistance", for purposes of IC 12-20-28-3, has the meaning set forth in ~~IC 12-20-28-3(e)~~. **IC 12-20-28-3(f).**

SECTION 4. IC 12-13-16-10, AS ADDED BY P.L.73-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. Beginning July 1, 2021, the office of the secretary shall:

(1) compile data regarding 211 services, including:

- (A) community needs, including utility, housing, and food assistance;
- (B) the number of referrals to community resources;
- (C) the number of

individuals seeking assistance in each county; and  
(D) all community resource providers, **including township trustees;** and

(2) enter into data sharing agreements with entities approved by the office of the secretary that allow the approved entities to access data compiled under this section in a manner that is consistent with state and federal privacy laws.

SECTION 5. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The township trustee shall process all applications for township assistance according to uniform written standards and without consideration of the race, creed, nationality, or gender of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of township assistance and the processing of applications must be:

- (1) governed by the requirements of this article;
- (2) proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;
- (3) reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;
- (4) published in a single written document, including addenda attached to the document; and
- (5) posted in a place prominently visible to the public in all offices of the township trustee where township assistance applications are taken or processed.

(c) **The township trustee shall annually certify that the uniform written standards for the issuance of township assistance have been filed with the board of county commissioners as required under subsection (b)(2). The certification shall be noted in the township's budget submitted to the department of local government finance's computer gateway under IC 6-1.1-17-3.**

SECTION 6. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The township trustee shall ensure adequate access to township assistance services, including a ~~published~~ telephone number in the name of the township **published in the annual report as provided in IC 12-20-28-3 and the township's budget submitted to the department of local government finance's computer gateway under IC 6-1.1-17-3.**

(b) A township assistance office, if separate from the township trustee's residence, must be designated by a clearly visible sign that lists the:

- (1) township trustee's name;
- (2) availability of township assistance; and
- (3) township assistance office's telephone number.

The sign must conform to all local zoning and signage restrictions.

SECTION 7. IC 12-20-28-3, AS AMENDED BY P.L.1-2009, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "case contact" means any act of service in which a township employee has reason to enter a comment or narrative into the record of an application for township assistance under this article regardless of whether the applicant receives or does not receive township assistance funds.

**This subsection expires January 1, 2023.**

(c) As used in this section, "total number of households containing township assistance recipients" means the sum to be determined by counting the total number of individuals who file an application for which assistance is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(d) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

- (1) number of times assistance is provided; or
- (2) number of households in which the individual resides during a particular year.

**This subsection expires January 1, 2023.**

**(e) This subsection applies to a report filed after December 31, 2022. As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted for each time assistance is separately provided regardless of the:**

- (1) number of times assistance is provided; or**
- (2) number of households in which the individual resides during a particular year.**

**(f) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.**

**(g) The township trustee shall file an annual statistical report on township housing, medical care, utility assistance, food assistance, burial assistance, food pantry assistance, services related to representative payee programs, services related to special nontraditional programs, and case management services with the state board of accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Except as provided in subsection (h), the report must be made on a form provided by the state board of accounts. The report must contain the following information:**

- (1) The total number of requests for assistance.
- (2) The total number of each of the following:
  - (A) Recipients of township assistance.
  - (B) Households containing recipients of township assistance.

(C) Case contacts made with or on behalf of:

- (i) recipients of township assistance; or
- (ii) members of a household receiving township assistance.

**This subdivision expires January 1, 2023.**

**(3) This subdivision applies to a report filed after December 31, 2022. The total number of each of the following:**

- (A) Recipients of township assistance.**
- (B) Households containing recipients of township assistance.**
- (C) Individuals denied township assistance.**

**(4) The total value of benefits provided to recipients of township assistance.**

**(5) This subdivision applies to a report filed after December 31, 2022. The total value of benefits denied to individuals applying for township assistance.**

**(6) The total value of benefits provided through the efforts of township staff from sources other than township funds.**

**(7) The total number of each of the following:**

- (A) Recipients of township assistance and households receiving utility assistance.
- (B) Recipients assisted by township staff in receiving utility assistance from sources other than township funds.

**(8) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of township staff from sources other than township funds.**

**(9) The total number of each of the following:**

- (A) Recipients of township assistance and households receiving housing assistance.
- (B) Recipients assisted by township staff in receiving housing assistance from sources other than township funds.

~~(8)~~ **(10)** The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of township staff from sources other than township funds.

~~(9)~~ **(11)** The total number of each of the following:

(A) Recipients of township assistance and households receiving food assistance.

(B) Recipients assisted by township staff in receiving food assistance from sources other than township funds.

~~(10)~~ **(12)** The total value of food assistance provided, including the value of food assistance provided through the efforts of township staff from sources other than township funds.

~~(11)~~ **(13)** The total number of each of the following:

(A) Recipients of township assistance and households provided health care.

(B) Recipients assisted by township staff in receiving health care assistance from sources other than township funds.

~~(12)~~ **(14)** The total value of health care provided, including the value of health care assistance provided through the efforts of township staff from sources other than township funds.

~~(13)~~ **(15)** The total number of funerals, burials, and cremations.

~~(14)~~ **(16)** The total value of funerals, burials, and cremations, including the difference between the:

(A) actual value of the funerals, burials, and cremations; and

(B) amount paid by the township for the funerals, burials, and cremations.

~~(15)~~ **(17)** The total of each of the following:

(A) Number of nights of emergency shelter provided to the homeless.

(B) Number of nights of emergency shelter provided to homeless individuals through the efforts of township staff from sources other than

township funds.

(C) Value of the nights of emergency shelter provided to homeless individuals by the township and the value of the nights of emergency shelter provided through the efforts of the township staff from sources other than township funds.

~~(16)~~ **(18)** The total of each of the following:

(A) Number of referrals of township assistance applicants to other programs.

(B) Value of the services provided by the township in making referrals to other programs.

~~(17)~~ **(19)** The total number of training programs or job placements found for recipients of township assistance with the assistance of the township trustee.

~~(18)~~ **(20)** The number of hours spent by recipients of township assistance at workfare.

~~(19)~~ **(21)** The total value of the services provided by workfare to the township and other agencies.

~~(20)~~ **(22)** The total amount of reimbursement for assistance received from:

(A) recipients;

(B) members of recipients' households; or

(C) recipients' estates;

under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.

~~(21)~~ **(23)** The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

~~(22)~~ **(24)** The total of each of the following:

(A) Number of individuals assisted through a representative payee program.

(B) Amount of funds processed through the representative payee program that are not township funds.

~~(23)~~ **(25)** The total of each of the following:

(A) Number of individuals assisted through special nontraditional programs provided through the township without the

expenditure of township funds.

(B) Amount of funds used to provide the special nontraditional programs that are not township funds.

~~(24)~~ **(26)** The total of each of the following:

(A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.

(B) Value of the case management services provided.

~~(25)~~ **(27)** The total number of housing inspections performed by the township.

**(28) The township trustee's name and telephone number as provided in IC 12-20-5.5-3.**

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

~~(g)~~ **(h)** The state board of accounts shall compare and compile all data reported under subsection ~~(f)~~ **(g)** into a statewide statistical report. The department shall summarize the data compiled by the state board of accounts that relate to the fixing of township budgets, levies, and tax rates and shall include the department's summary within the statewide statistical report prepared under this subsection. Before July 1 of each year, the state board of accounts shall file the statewide statistical report prepared under this subsection with the executive director of the legislative services agency in an electronic format under IC 5-14-6.

~~(h)~~ **(i)** The state board of accounts shall forward a copy of:

- (1) each annual report forwarded to the board under subsection ~~(f)~~ **(g)**; and
- (2) the statewide statistical report under subsection ~~(g)~~ **(h)**;

to the department and the division of family resources.

~~(i)~~ **(j)** The division of family resources shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection ~~(h)~~ **(i)** concerning the total number of recipients of township assistance and the total dollar amount of benefits provided.

~~(j)~~ **(k)** The department may not approve the budget of a township trustee who fails to file an annual report under subsection ~~(f)~~ **(g)** in the preceding calendar year.

~~(k)~~ **(l)** This section does not prevent the electronic

transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

(1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.

(2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

~~(l)~~ **(m)** The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6.

SECTION 8. IC 23-14-68-3, AS AMENDED BY P.L.14-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. For the purposes of this chapter, the maintenance of a cemetery includes the following:

- (1) Resetting and straightening all monuments.
- (2) Leveling and seeding the ground.
- (3) Constructing fences where there are none and repairing existing fences.
- (4) Destroying and cleaning up detrimental plants (as defined in IC 15-16-8-1), **noxious rampant** weeds, and rank vegetation.
- (5) Mowing the lawn.

SECTION 9. IC 23-14-69-3, AS AMENDED BY P.L.2-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A township trustee shall care for and maintain each cemetery to which this chapter applies that is located in the township. ~~keeping the cemeteries in a respectable condition by:~~ **The duties of a township trustee under this chapter include the following:**

- (1) Destroying detrimental plants (as defined in IC 15-16-8-1), **noxious rampant** weeds, and rank vegetation. ~~and;~~
- (2) Removing all unsightly accumulations and debris.
- (3) Resetting and straightening all monuments.**
- (4) Leveling and seeding the ground.**
- (5) Mowing the lawn.**

SECTION 10. IC 36-6-4-13, AS AMENDED BY P.L.127-2017, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

- (1) showing the sum of money in each fund of the township at the beginning of the year;
- (2) showing the sum of money received in each fund of the township during the year;
- (3) showing the sum of money paid from each fund of the township during the year;
- (4) showing the sum of money remaining in each fund of the township at the end of the year;
- (5) containing a statement of receipts, showing

their source; and

(6) containing a statement of expenditures, showing the combined gross payment, according to classification of expense, to each person.

(b) Within four (4) weeks after the third Tuesday following the first Monday in February, the executive shall publish the **portion of the abstract described in subsection (a)(1) through (a)(4) abstract prescribed by subsection (a) in accordance with IC 5-3-1 with a statement that a complete abstract that contains the statements required under subsection (a)(5) and (a)(6) is available for inspection in the county auditor's office.** The abstract must state that:

(1) a complete and detailed annual report, a **complete abstract**, and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor; and

(2) ~~that~~ the chair of the township legislative body has a copy of the report that is available for inspection by any taxpayer of the township.

(c) An executive who fails to comply with this section commits a Class C infraction.

SECTION 11. IC 36-9-13-11, AS AMENDED BY P.L.127-2017, SECTION 305, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) A county building authority is under the control of a board of directors. This board consists of five (5) directors, who shall be appointed by a majority vote of the building authority trustees. Each of the original directors shall serve from the date of the director's appointment until the first day of February in the second year after the director's appointment, and until the director's successor is appointed and has qualified.

(b) A person may be appointed as a director only if the person **satisfies all of the following:**

(1) **The person** is at least thirty (30) years of age.

(2) **The person** has been a resident of the county five (5) years immediately preceding the person's appointment. ~~and~~

(3) **The person** is not an officer or employee of an eligible entity. **However, a township executive may be appointed as a director.**

(c) Before entering upon the director's duties, each director shall take and subscribe an oath of office (in the usual form), which shall be endorsed upon the director's certificate of appointment. The certificate shall be promptly filed with the county clerk.

SECTION 12. IC 36-9-13-17, AS AMENDED BY P.L.127-2017, SECTION 308, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. A trustee or director ~~who:~~ **vacates the trustee's or director's office if the trustee or director does any of the following:**

(1) **The trustee or director** ceases to be a resident of the county. ~~or~~

(2) **The trustee or director** becomes an officer or employee of an eligible entity. **However, a director does not vacate the director's office by becoming a township executive.**

~~vacates the trustee's or director's office.~~

(Reference is to ESB 409 as reprinted April 7, 2021.)

NIEMEYER	SLAGER
RANDOLPH	HATCHER
Senate Conferees	House Conferees

Roll Call 500: yeas 90, nays 0. Report adopted.

#### HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 22, 2021, at 10:00 a.m.

LEONARD

The motion was adopted by a constitutional majority.

#### CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

HB 1115 Conferees: Representative Pierce replacing Representative Andrade

Advisor: Remove Andrade as advisor

#### ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 17, 205, 271, 301, 398 and 416 on April 21.

#### OTHER BUSINESS ON THE SPEAKER'S TABLE

##### HOUSE MOTION

Mr. Speaker: I move that Representatives Barrett and Fleming be added as coauthors of House Bill 1468.

CLERE

Motion prevailed.

##### HOUSE MOTION

Mr. Speaker: I move that Representative Moed be removed as cosponsor of Engrossed Senate Bill 245.

SMALTZ

Motion prevailed.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 44, 45 and 46 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 8, 359 and 392.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders



of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1190: Remove: Senator Niezgodski as advisor

Conferees: Senator Niezgodski to replace  
Senator J.D. Ford

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1190:

Conferees: Senator Garten to replace Senator  
Niezgodski

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1396:

Remove: Senator Messmer as advisor  
Conferees: Senator Messmer to replace Senator  
Niezgodski  
Add: Senator Jon Ford as advisor

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1405:

Add: Senator Gaskill as advisor

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1421:

Conferees: Senator Gaskill to replace Senator Yoder

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders

of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1514:

Conferees: Senator Rogers to replace Senator J.D. Ford

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 55:

Remove: Senator Doriot as advisor  
Conferees: Senator Doriot to replace Senator Qaddoura  
Add Senator Zay as advisor

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 80:

Conferees: Senator Bassler, Chair to replace Senator  
Young

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 82:

Conferees: Crider Chair and Yoder  
Advisors: Charbonneau and Melton

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 188:

Conferees: Senator Freeman to replace Senator  
Randolph

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders

of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 413:

Remove: Senator Kruse as advisor

Conferees: Senator Kruse to replace Senator Melton

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report #1 on Engrossed House Bills:

1009, 1030, 1090, 1101, 1125, 1190, 1270, 1365, 1396, 1421, 1447 and 1514

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report #1 on Engrossed Senate Bills:

185, 188, 232, 325, 332, 336 and 348

JENNIFER L. MERTZ  
Principal Secretary of the Senate

On the motion of Representative Lauer, the House adjourned at 8:03 p.m., this twenty-first day of April, 2021, until Thursday, April 22, 2021, at 10:00 a.m.

TODD M. HUSTON  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives